THE
REVENUE REGISTER.

No. 5. MADRAS :—FRIDAY, MAY 15, 1874. [Vol. VIII.

MANUAL OF THE NELLORE DISTRICT.

We have recently received from the Revenue Secretary to Government a copy of the Manual of the Nellore District, compiled and edited by the late Mr. J. A. C. Boswell, of the Madras Civil Service. This is, we believe, the fourth of the series of District Manuals which are being prepared by the orders of Government, the previous three being the Manual of Vizagapatam, by the Hon'ble D. F. Carmichael; the Manual of the Madura Country, by Mr. Nelson; and the Manual of Bellary, by Mr. Kelsall. It seems to us that these Manuals are a most important addition to Anglo-Indian literature. They gather together in a readable form, and within something like manageable bounds, a great store of information not uninteresting to the general public, and really invaluable to those entrusted with the political and revenue administration of the country. The names we have mentioned above are guarantees for the care with which the Manuals have been compiled; and we venture to think that the Nellore Manual is well worthy of a place in the list, though unhappily its talented and pains-taking author did not live to see the fruit of his labours, nor even to revise the work as it passed through the press. Mr. Boswell was known as a practical ruler and administrator, a zealous archæologist, and, in his capacity of Collector of the Kistna District, an indefatigable writer on subjects of importance affecting the welfare of the people and country committed to his rule. The Manual of the Nellore District is not divided into parts or volumes, but merely into twenty-nine chapters, two of which are composed entirely of statistics. Although the book is large, consisting of nearly 900 pages, the chapters are, as a rule, short; and some of them would have well borne amplifying. This is, we suppose, caused by the immense amount of statistics contained not only in the two chapters forming the appendix, but also in the body of the work. These statistics are not very attractive to the general reader, but will no doubt be useful to officials as presenting, in a ready and convenient form, information for which they would otherwise have to search through the too often confused, and unsorted, records of many different Departments.

Chapter I—*Physical Geography, Local Divisions, and Topography.*—After mentioning the position, length, breadth, and superficial area, the first chapter proceeds to describe the general aspect of the country. This, it seems to us, is not particularly inviting, being described as "a sandy plain with large tracts of jungle interspersed

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with cocoanut trees and palmyras." We are told, however, that it is more hilly inland, though there is nothing really in the shape of mountain, with the exception of the Udayagiri Droog which attains an elevation of about 2,000 feet, and a portion of the Eastern Ghauts dividing this District from that of Cuddapah. The largest river is the Pennair, spanned by an anicut at the town of Nellore. The readiest means of communication with Madras is by the East Coast Canal, which could, it appears, be extended with but little difficulty to Bézwara, where it would meet the canal from Rajahmundry and complete an inland water communication between Madras and that part of the country. We should think this would be a great advantage, especially for the transport of goods during the stormy months, when so many dhonies and small craft of all kinds are lost in coasting. The chapter contains a list of the taluks, their towns, Collectors' and other Revenue authorities' quarters, the courts, police stations, public bungalows, post offices, and so on, with a description of the physical peculiarities of each taluk by Captain Clay; and it concludes with an account of the ports, estuaries, and Light Houses, contributed by Mr. Plunkett, the Deputy Collector in charge of Salt.

Chapter II—*Climate and Diseases.*—This chapter was contributed by Mr. E. Eyre Lloyd, Zillah Surgeon. He tells us that the climate of Nellore is dry and salubrious, and that though the land winds, which prevail with much fierceness during May and June, and sometimes even longer, are very exhausting to Europeans, they are not really unhealthy. The rain-fall seems to have much diminished of late years, which Mr. Lloyd is inclined, and very properly we think, to attribute to the destruction of trees and jungle, which is only now beginning to be replaced under a wiser system of management. There does not appear to be anything special in the diseases, or the state of public health of the District, though cholera seems to have been prevalent of late years, and to depend in some way on the deficient rain-fall; probably from the half-starved people being unable to resist any unhealthy condition to which they may be exposed.

Chapter III—*Geology and Soils.*—The information on Geology was compiled by Mr. Boyle, C. S., from notes furnished to him by Mr. Charles Oldham of the Geological Survey, and that on soils was contributed by Mr. Charles Rundall. There is, we learn, nothing very special in the geology of the District, except it be some quartzite and altered sand-stone rocks, not identical with any formation known in Europe, which contain no fossil remains, and have been provisionally named the Cuddapah group, because they occur principally in that District. The soils are chiefly heavy regada soils varied by some red soils, and, along the coast line and in Sriharikota, by sand. A classification of soils, with their nomenclature, appearances, and situations, is appended to the chapter.

Chapter IV—*Mineralogy.*—We find that copper ore was discovered in 1801; but that though the copper found was of a good quality, all attempts at procuring it in sufficient quantities to be profitable have signally failed. Some iron ore is to be found, and appears to yield a small supply of iron for local demands, but it is not enough to become an article of commerce. In fact, the minerals of Nellore seem, like its climate, its scenery, and its soils, to be best expressed by negatives.

Chapter V—*Fauna.*—This chapter tells us a good deal about the celebrated breed of Nellore cattle, and shows the wonderful improvement that has taken place of late years in the cows of the District, stimulated, no doubt, by the special prizes offered at the Government Shows for cows and heifers.

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Ponies appear to be very deficient, and at present nothing has been done to improve the breed. The chapter concludes with a very long list of the wild animals, birds, and reptiles to be found in the District: among these the most important appear to be the Tiger, the Leopard, Hyæna, Wolf, Jackal, wild Boar, Sambur, Whip Snake, Cobra, Water Snake, Vulture, Kite, Hawk, and several other birds in great variety.

Chapter VI—*Flora.*—These products also appear to be deficient, though fine large timber trees are to be found on the Veligonda hills, separating Nellore from Cuddapah and Kurnool; and the Sriharikota jungles furnish firewood to Madras. Left to themselves or to the unaided efforts of the natives, these important fuel reserves seem to deteriorate; but by a very simple system of conservancy, Mr. Dykes, the Collector of the District, succeeded in improving prospects in this respect; and now more than 50,000 acres have been converted into jungle reserves, to the mutual advantage of Nellore and Madras. This chapter, too, is principally composed of lists, and statistics. First, we have a list (six pages long) of timber trees; then, an abstract of Talukwar particulars of the Jungle Conservancy Fund for 1871-72; next, a list of firewood trees; and finally, a catalogue of grains, oilseeds, pulses, flowers, vegetables, dyes, fibres, drugs, &c. All these lists are arranged alphabetically: they bear evidence of having been most carefully prepared; the list of drugs in particular is elaborate, and is, in fact, an admirable local *materia medica.*

Chapter VII—*Ethnology.*—In this chapter we have, we are convinced, Mr. Boswell himself for author, and on a favourite subject. After a brief glance at the probable origin of the inhabitants of this portion of ancient Telingana, the Aryan Brahmins and Chatriahs, and the Scythian Vysias and Sudras, he passes on to a consideration of the wild tribes of the District, of whom the most important are the *Yánádies.* The account given of this tribe is based on reports of Surgeon Major J. Shortt. The origin of this tribe is shrouded in mystery, but Mr. Boswell lays down with some confidence that they are a Dravidian tribe of a Mongolian type. From one of Dr. Shortt's reports we are surprised to find that the average height of the men of the tribe was only 5 feet 4·8 inches, and of the women 4 feet 10·6 inches; while the average weights were only 100 lbs., and 82·6 lbs., respectively. These people appear rather less than semi-civilized, and are described as being filthy in the extreme, with the barest apology for clothing, and very comfortless dwellings. The portion of the tribe on the island of Sriharikota has long been the object of the special attention of Government: a market was found for such jungle produce as the people could be induced to bring; a system of registration with rewards for registered births was introduced; a school has been established; and an effort made to teach them cultivation and the rearing of sheep and cattle. All these measures seem to have done well except the industrial part of it. These *Yánádies* will not learn agriculture, nor the care of cattle, unless compelled to do so. On the other hand, the school seems to get on well, and hopes are entertained that the lads who have been educated there may hereafter exert a civilizing influence over their wilder brethren. Another tribe, much resembling the *Yánádies* in their wandering lives and want of civilization, are the *Yerakulas.* They appear to possess a stronger physique than the *Yánádies,* to contribute largely to the crime of the District, to practise polygamy, and to have a curious custom by which the marriage of nieces is not only permitted, but encouraged. Their language, which is quite unintelligible to the Telugu population, seems to be a

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dialect of the Tamil with some admixture of Telugu and Canarese. From the evidence Mr. Boswell has been able to draw together, and from the cardinal numbers, a lot of nouns, and phrases, that he has been at the trouble of collecting from the people, we feel quite convinced that he is right in supposing the *Yerakulas* to be a Tamil tribe. The next tribe under mention, the *Sukalies,* do not appear to present any peculiar features; they are of Mahratta origin, are strong and well formed, eat bread, and are said to like strong liquors. A much more interesting tribe are the *Chenchus* or *Chenchuvandlu,* who principally inhabit the *Nandikanama* pass. They are described as a tribe of dark, strong, active men, who gain their living by hunting, rearing horned cattle, and by selling jungle produce. They come out of the jungle to the villages to buy supplies, and at the time of the great feasts come even as far as Nellore. A section of the tribe, called *Bontachenchuvandlu,* are still less civilized; they are said to dispense with clothes altogether, and to have reverted to the primitive fig leaf.

We are glad to find that there has been a decrease of crime of late years, principally attributed to the exertions of the Police.

Chapter VIII—*Religion, Festivals, and Castes.*—This chapter, which is deeply interesting, tells us how the fair-skinned Aryans, about twelve centuries before Christ, migrated from the homes they had conquered in Northern India, and without subjugating the Dravidian races of the South, settled down among them, and gradually became their acknowledged superiors, by the innate nobility and energy of their character. The Aryan religion was at that time of the simplest; they adored the personifications of the powers of nature; but still alleged and believed that "there is, in truth, but one Deity, the Supreme Spirit, the Lord of the universe, whose work is the universe." This simple religion was taught in the *Védas,* but was afterwards amplified, explained, commented on, and, as a natural consequence, overlaid with errors and extraneous matter. In the old simple faith a trinity alone was believed in, Brahma the Creator, Vishnu the Preserver, and Shiva the Destroyer. Now the objects of worship have increased to 360 million deities!!! Upon this subject Mr. Boswell quotes a few words which seem most happily to express the present state of things in the Brahmin religion—"Although the customs and habits of the Hindoos are said to be immutable, yet, strange to say, in a country which still regards the *Védas* with profound veneration as the great fountain of religion, the ritual they prescribe has become so obsolete that the man who ventured to regulate his devotions by it would be considered in the light of an infidel." Now, this is just what is often said to us by educated Brahmin friends. Talking of this or that custom as binding on them, they say, oh no! that is quite a mistake—it is true we do so, but it is mere prejudice—we are not bound to do this—it is not so prescribed in any of our ancient authorities on religion.

About two or three hundred years later the schism of Buddhism took place. This schism appears to have been the recoil of some thoughtful minds from the overwrought system of endless gods and goddesses. They believed that "by the exercise of virtue and knowledge, an individual could obtain *Nibbute* or *Nirvana,* absorption into the Deity." Of this religion, the worship of a Ruling Intelligence quickly degenerating into worship of mere intellect, the Jains were a sect, whose religious tenets possessed but trifling differences from the parent Buddhism. About the ninth century, A. D., Buddhism and Buddhists were expelled from India, and about the same time Sankara Acharya's philosophy began

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to modify the older forms of Brahminical worship. The chapter contains a good account of the different sects of Hindooism as it exists at the present day, by Bomma Teperumal Chettyar, Sub-Division Sheristadar of Cuddapah, and also a notice of the three Mahomedan sects, *Sheeahs, Sunnis,* and *Wahabees.* Next come notices of Feasts, Festivals, and Mahomedan feasts, and finally a paper on castes, also by Bomma Teperumal Chettyar.

Chapter IX—*Social characteristics, Manners, and Customs.*—This chapter describes the dwellings as being generally poor and comfortless in the extreme, while the strength of caste prejudice prevents a low-caste man from building himself a good house even though he may have the means to do so. The general domestic furniture, clothing, food, and dress, appear to be exactly the same as we find them in other Districts of Southern India; but certainly, the description of the moral characteristics of the Nelloreans, as painted by an intelligent Hindoo who dwelt among them, is far from flattering. We give it *in extenso.* "The chief characteristics of the people are utter want of truth, habitual deceit and fraud, accompanied by cowardice, ingratitude, discontent, insatiable greed, and a want of all benevolence and hospitality to strangers." Their distinguishing virtues he characterizes as gentleness, meekness, and unlimited self-control. We cannot but hope that this is not a faithful portrait of the mass of the people. An excellent account of the different domestic celebrations follows; the part relating to the marriage ceremonies being particularly interesting. The various observances attending a Brahmin marriage are first detailed, next those of a *Nayudu* marriage, and then the rites common among the *Kápus.* These are rather different; but all the marriages seem to have in them a large element of the poetical and symbolical, and to be really very different from the mere nuisance of noise and confusion that outsiders are too apt to consider them. A strange custom mentioned in connection with Sudra marriages is termed *Alaka,* or offence. It appears that, on the fourth day, the bridegroom and his party pretend that they have taken offence and quit the house. They are followed by the friends of the bride who feign to propitiate them with gifts; and having appeased the imaginary wrath, they all return to the marriage house with great joy. The funeral ceremonies, too, are detailed at great length, and disclose a most elaborate system of ritual, which requires, in most instances, much self-denial and careful observance on the part of the mourners. We were astonished to find a strong analogy to the Jewish Scape-goat, in laying the sins of the deceased on a young bull-calf, who having been branded with the symbol of the deity is turned adrift into the world, is considered sacred, is permitted to wander unmolested, and even to graze in cultivated fields. In all ceremonies Brahmins play a conspicuous part, and receive presents of money, food, clothes, and so on. Some ceremonies are exclusively performed by women, which have reference principally to the obtaining of a good husband; to securing happy and fortunate children; to avert such calamities as the loss of a husband, or children; to procure long life, happiness, &c. Some of the ceremonies are really beautiful, and are even to European minds eminently suggestive and symbolical; others again appear foolish if not actually repulsive; but we must, of course, make very great allowance for difference of education, feeling, and habits both of mind and body. The chapter concludes with a description of the various ceremonies practised by Mahomedans. As might be expected, these are rather more comprehensible to the uninitiated than the Hindoo customs; for instance, the supplication of the *Kazi* in

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the marriage ceremony that the couple may be as loving as Adam and Eve and Abraham and Sarah, remind us forcibly of the very similar expression used by our own church. Still more analogous are the words of the *Koran* recited by the mourners at a funeral. In this ceremony, each person takes a little earth in his hand and says, "We created you of earth, and return you to earth, and we shall raise you out of the earth on the day of resurrection." At this point of the manual we must stop for the present, reserving the Land Tenures, Law of Inheritance, Trade, Agriculture, and Political and Revenue History, for review in our next number.

HER MAJESTY'S PRIVY COUNCIL.

[OUDH CASE.]

Arrangements acquiesced in from 1859 to 1870—Power to revise cases settled by arbitration, or agreement.

A, the proprietor of a certain village in B's taluk in Oudh, caused it to be included in B's cabooleut. After the mutiny and the consequent confiscations and restorations, this village was, by the settlement of 1859, annexed permanently to B's taluk; but B was to pay A the value of the village, above the Government revenue, by way of nazurana. *A acquiesced in this arrangement from 1859 to 1870, and then sued to be entered as a tikadar in the permanent settlement then being made.*

HELD, *that B having acquiesced in the arrangement for ten years, it was not easy to impugn it successfully; that under Act XXVI of 1866 cases disposed of by arbitration, or agreement of the parties, were not open to revision; and that substantial justice having been done, there was no occasion to reverse three concurrent decisions, or to send the case back for re-trial.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Seth Seetaram and another *v.* Janki Pershad and another, from the Court of the Financial Commissioner of Oudh, delivered 19th February 1874.

Present.

SIR JAMES W. COLVILE.
SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

SIR LAWRENCE PEEL.

THE appeal in this case is against the final order of the Financial Commissioner, who, upon special appeal, confirmed the order passed by the settlement officer, Captain Young, and an intermediate order of the Commissioner, Mr. Thompson. The question was, whether, upon the permanent settlement of the taluk belonging to the appellants, respondents, who were the plaintiffs in the suit, were entitled to be entered in the settlement papers as tikadars of the Mouzah Nikara under the talukdars.

It is clear, so far as the facts appear upon this record, that this particular village did not originally form part of the appellants' taluk. It appears to have belonged to one Sheo Singh, who mortgaged it to the respondents. For the purposes of this appeal their lordships cannot enter into any question of right which may be subsisting between Sheo Singh and the respondents. It must be taken that the respondents, as between them and the talukdars, were, before the village was brought into the taluk, the proprietors of it. By an arrangement not uncommon between the weak and the strong when Oudh was under native rule, the respondents, or those whom they represent, brought their village within the taluk of the appellants, and caused it to be included in their cabooleut. That they might have undone this, and resumed their original right to settle for the village, in the course of the settlement which was begun immediately after the annexation of Oudh, seems clear. And indeed the judgment of the Deputy Commissioner in the summary settlement proceedings, which will be hereafter noticed, states as a fact, that in Fusly 1264 the plaintiff (being one of the respondents) was settled with separately. Then came the mutiny, and the proceedings of confiscation and restoration which took place after the re-establishment of British rule. The effect of the latter may have been to annex the village permanently to the taluk; but they did not deprive the respondents of the right to a sub-settlement, which is all that they now assert. Upon the summary settlement of 1859 that right came in question, and what I have stated as to the original acquisition by the taluk of the particular property seems to have been admitted by the ancestor of the present appellants. His plea stated: "I admit that the estate belongs "to Sheo Singh, and plaintiff has taken it in "mortgage, who deposited this estate in my "taluka since Fusly 1255, and I remained in "possession of its cabooleut up to Fusly 1263." And the only case which he set up was that as it had got into the taluka, he was, according to the present orders of the Government, entitled to keep it. It was, in fact, as much as saying, I have got another man's property, and I intend to keep it. That question was tried upon the summary settlement, and the settlement officer, after full consideration of the rights of the parties, came to the conclusion that the taluk-

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dar's claim to absorb the whole proprietary rights of the village was invalid. He accordingly fixed the proportion above the Government revenue, which was to be paid by the respondents to the talukdars by way of nazurana. The effect of this decision was the talukdar got that nazurana, and the other parties got or retained possession of their lands. That decision was confirmed by the Commissioner. It seems to have regulated the rights of the parties, and to have been acquiesced in by them from 1859 until 1870, when the respondents made this application to be entered as tikadars in the permanent settlement which was then in the course of being made in the district. The defence made to that application by the appellants is at page 8; and is thus stated by the settlement officer: "The proceedings "alluded to are before me, and the defendants "are in Court; they object to plaintiffs being "recorded as permanent lessees, and quote "Act XXVI, and present circulars and rules "in bar of the claim." The question then is whether this Act XXVI of 1866 presents a bar to the claim. The settlement officer thought that under the peculiar circumstances of the case the summary settlement was conclusive. The Commissioner affirmed that judgment; and upon special appeal, the Financial Commissioner overruled the objections which had been taken as the grounds for the special appeal; and held that the acquiescence of the talukdars in the judgment of the Deputy Commissioner, as confirmed by the Commissioner, for a number of years amounted to a tacit assent or recognition of the tenure. He also ruled that under the Circular Order No. 50 of 1867, any application for the revision of the summary settlement should have been applied for within six months of the date of that circular order.

It has been strongly argued that this is wrong; and that upon this application to be entered on the permanent settlement the whole burden of proof was thrown by Act XXVI of 1866, and the rules contained in the schedule thereto, on the plaintiffs, and that they were bound under the second of those rules to prove their title *ab initio.* Their lordships are of opinion that the proceedings upon the summary settlement do afford *primâ facie* evidence at least of the respondents' right. The only point which has, at all, pressed upon their lordships was whether there may not have been some miscarriage in the Courts below in treating those proceedings as final and conclusive, and whether the other party may not have lost the right, to which he otherwise would have been entitled, of meeting that *primâ facie* case. Upon general principles it is not easy to see how a title established by an adjudication between the parties upon proceedings, however summary, could, after ten years' enjoyment of the property under that adjudication, have been successfully impugned. And, accordingly, the appellants' objections are almost entirely of a technical kind, and founded on the rules embodied in Act XXVI of 1866. Now their lordships always feel considerable difficulty in dealing with these Oudh cases, and particularly with the effect of the circular orders and the rules which from time to time are laid down for the guidance of the Courts of that province, whose action is somewhat irregular. If Colonel Barrow is right in his view of the effect of the circular order quoted by him, then *cadit quæstio;* but if Mr. Arathoon, on the other hand, is correct in saying that that rule applies only to a decision under the permanent settlement, or if the issuing of the circular order were *ultra vires*, that particular ground of Colonel Barrow's decision would fail. Their lordships have to deal with a very stringent Act, and an Act which is said to be in its operation retrospective, and, therefore, one which ought to be construed very strictly. The 13th Rule is certainly not in terms limited to decisions upon claims preferred on the occasion of the permanent settlement. It says generally, "Cases in which claims to under-"proprietary rights have been disposed of "otherwise than in accordance with these rules "will be open to revision, but this rule will "not apply to cases disposed of by arbitration "or by agreement of the parties." If it includes a case in which a claim has been formally decided between the parties upon a summary proceeding, and their lordships are not disposed to say that it does not, then it is difficult to say that the claim to the under-proprietary right was disposed of otherwise than in accordance with the rules, or that the plaintiffs did not, when before the settlement officer on the occasion of the summary settlement, give substantially all the proof of their title which by the second of those rules they are required to give. Nor are their lordships prepared to affirm that the Financial Commissioner of the day exceeded his authority when he issued the circular order in question. Again, this case was of a special kind, the officer who made the summary settlement expressly said that it would not be open to question afterwards; the parties acquiesced in that for a considerable number of years, and it seems to fall within the spirit, if not within the letter, of the exception which embraces cases disposed of by arbitration or by agreement between the parties. Upon the whole, their lordships are strongly of opinion that substantial justice has been done in this case, and that they are not compelled by any of the formal objections which have been taken to reverse the concurrent judgments of three Courts or to send the case back for re-trial.

Their lordships must, therefore, humbly advise Her Majesty to affirm the judgment of the Court below, and to dismiss this appeal.

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OFFICIAL PAPERS.

The Triputhy Mohunt's claim to entire area of holy hill.

Proceedings of the Madras Government, Revenue Department, 26th March 1874.

Read the following :—

Proceedings of the Board of Revenue, dated 13th May 1873, No. 782.

Read the following letter from G. BANBURY, Esq., Director of Revenue Settlement, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 23rd April 1873, No. 767-29 :—

To Collector, 18th March 1873, No. 192.
From Collector, 25th March 1873, No. 285.

I have the honour to request the Board's perusal of the accompanying copy of a letter from Mr. Rundall and of the Acting Collector's reply thereto. It will be seen that the Mohunt of Triputhy now claims the right of possessing the entire area of the holy hill; that the boundaries of Tirumalai, the village at the summit of the hill in which the pagoda is situated, have never been marked out; that the case is, to a certain extent, pending before the Inam Commissioner; and that the inhabitants of twelve villages at the foot of the hill plead their respective rights to possession of portions of the slopes, now all claimed by the Mohunt.

2. As this is a case of some importance, as its remaining unsettled prevents our work from being closed, and as the matter is hardly likely to be settled by further correspondence in the ordinary course, I would suggest that one of the District Revenue officers might perhaps be deputed to consider and report upon the Mohunt's present claims for the Board's orders. As Mr. Wilkinson, the Sub-Collector, an officer of standing and experience, is now doing the jummabbundy of the Chittoor Taluk, the Board might ask him to take up this investigation in Chendragherry, the taluk adjoining, when his present task is completed. Mr. Rundall would, of course, furnish to the officer deputed any aid that we could afford. As soon as the question of the Mohunt's title to the entire hill has been settled, the rest of the task can be carried out by this department in due course.

Enclosure No. 1.

From C. RUNDALL, Esq., Deputy-Director of Revenue Settlement, Nellore and North Arcot, to H. SEWELL, Esq., Acting Collector of North Arcot, dated 18th March 1873, No. 192-34.

In my letter of 12th March 1872, No. 163-17, I brought to notice that the boundaries of the Tirumalai village, No. 32, of the Chendragherry Taluk, constituting Upper Triputhy, or the plateau of the Triputhy hill, required to be defined; and I requested, as there were no regularly constituted village-officers, that some Revenue subordinate might be nominated to point out the limits with the adjacent villages on the hill, and see that the area was correctly demarcated. In reply, I was informed by your office letter, No. 164, of 27th idem, that the Tahsildar of Chendragherry had been directed to depute one of his Revenue Inspectors to attend for the purpose. Subsequently, by letter, No. 241, of 11th May, I was informed that the Mohunt strongly objected to any interference of this department with the sacred hill, and you requested me to defer taking any steps to define the boundaries, until I heard from you again.

2. On the 7th ultimo, by letter, No. 104-20, I inquired whether any final orders had been passed in the matter, and received a negative reply by docket, No. 12, of 10th idem.

My letters of 19th February and 20th September 1872, Nos. 128-14 and 667-52.

3. When recently at Triputhy, it appeared to me that the Mohunt's objections were to the demarcation of the tract of land brought to notice and reported on in the letters marginally noted, and not to the definition of the boundaries that might exist on the hill; and, with the view of obtaining information, I directed a Head Classifier to ascertain of the Mohunt whether the objections raised extended to the marking of the said boundaries. This has elicited an expression of opinion on the part of the Mohunt, and the vernacular correspondence on the matter, as enumerated marginally, is enclosed for perusal. The return of the same, when done with, is requested.

Head Classifier's Arzi, No. 16, dated 13th March 1873, with its enclosure.
Mohunt's Arzi, No. 56, dated 13th March 1873.

4. It now appears that the Mohunt puts forward a claim to the whole of the Tirumalai village as belonging to the Triputhy Devastanum. I conclude, and assert that there is no occasion to mark any boundaries, as none exist; and, moreover, that the line already marked round the base of the hill defines the limits and rights of the adjacent villagers.

5. The first question is whether the right and title to the whole area of Upper Triputhy or the Tirumalai village, which the Mohunt thus assumes and contests to be invested in the Trustees of the pagoda, is valid and needs be recognized or otherwise. Apparently, Tirumalai has heretofore been always regarded as a Government village, and at the time of the Paimash was left unmeasured, and, therefore,

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had no recorded area. It is to be inferred from the Mohunt's letter that it was not measured by reason of objections formerly preferred by his predecessor in office or others connected with the pagoda. It occurs to me that, had the Trustees of the pagoda any valid right or title to the whole village as now asserted, they would not have failed to prefer the same before the Inam Commissioner; for they were well acquainted with the scope and inquiries of the Inam Commission, as several valuable grants of inam land are attached to, and belong to the pagoda. Again, they would surely have brought their claim forward then. Exception was taken to the enjoyment of the tamarind gardens in Upper Triputhy referred to in the correspondence specified above at paragraph 3, which has seemingly been submitted to the Board for the orders of the Inam Commissioner. As I am not aware that any such claim had hitherto been preferred, I conclude that none has been; but you will be conversant with the same if any had been put forth.

6. In dealing with the question of the Tirumalai village, therefore, I have the honour to inquire whether the pretensions of the Mohunt require to be recognized or ignored by this department.

7. It is of little use asserting, as the Mohunt does, that there are no boundaries to define on the hill, and that the line marked round the base of the hill defines the right of the adjacent villages (some twelve in number); for that line was marked by this department solely for survey purposes. On the other hand, the adjacent villagers claim the actual boundary of their villages to run up and extend some distance more or less up the hill; and the claim appearing good must necessarily be inquired into and disposed of on its merits. The actual settlement of the boundary cannot be overcome; and, as it had been in abeyance for upwards of one year, I request I may be permitted to arrange for its being proceeded with as soon as you may answer the query contained in the preceding paragraph.

8. Care will, of course, be taken that the hill is not invaded by others than those who have a perfect right to frequent the sacred locality.

As a rule, the boundaries are at the edge of the hill, and a very considerable distance from Upper Triputhy Proper.

9. Should the claim of the Mohunt require to be ignored, it will be advisable that some Revenue subordinate should be deputed to point out the claims, and look after the interests of the Tirumalai village in the settlement that must necessarily be made in the case of each adjoining village. Should you deem it desirable, a representative of the Mohunt might be associated with the Revenue subordinate, merely as the representative of a party or occupant interested in the settlement of the boundaries of the village of Tirumalai, but not as the inamdar or possessor of the whole village.

10. In the scheme for amalgamating the villages for the Chendragherry Taluk, recently approved by the Board of Revenue, Proceedings, No. 168, dated 7th February, Tirumalai was inserted in Statement No. 2 to be amalgamated with Triputhy, the village below the hill; and by paragraph 6 of the Proceedings, sanction is accorded to the transfer. Tirumalai, therefore, requires to be demarcated as one village with Triputhy, unless these fresh claims render a reconsideration of the question desirable.

Memorandum from H. SEWELL, Esq., Acting Collector of North Arcot, to C. RUNDALL, Esq., Deputy Director of Revenue Settlement, Nellore and North Arcot, dated 25th March 1873, No. 285.

In returning the enclosures of the above letter, informs that the question of demarcating the Triputhy hill is in correspondence between this office and the Inam Commissioner, and that the undersigned is at present unable to give his opinion on the subject, until it is finally disposed of by the Inam Commissioner.

(Signed) H. SEWELL,
Collector.

(True Copies.)

(Signed) G. BANBURY,
Director of Revenue Settlement.

Referred for the observation of the Inam Commissioner.

Proceedings of the Board of Revenue, dated 5th June 1873, No. 945.

Read Proceedings of the Board of Revenue, dated 13th May 1873, No. 782.

Read the following Official Memorandum from W. ROBINSON, Esq., Inam Commissioner, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 29th May 1873, No. 278:—

The Inam Commissioner concurs with the Director of Revenue Settlement that the Triputhy Mohunt's claims, which have been long pending in this office likewise, should form the subject of an early local inquiry. So lately as the 3rd February last, the Collector was requested to send an early report, but has not yet done so.

2. The Inam Commission accepts Mr. Banburry's proposal that Mr. Wilkinson should

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conduct the inquiry, and proposes to transfer to him the correspondence in this office.

Communicated to the Collector of North Arcot, who will direct the Sub-Collector to investigate the matter in person and report as soon as possible.

Proceedings of the Board of Revenue, dated 20th February 1874, No. 385.

Read again Board's Proceedings, dated 13th May 1873, No. 782, and 5th June 1873, No. 945.

Read the following papers :—

From W. S. WHITESIDE, Esq., Collector, North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 29th September 1873, No. 617.

Adverting to the Proceedings of the Board, dated 5th June 1873, No. 945, I have the honour to forward copy of Mr. Wilkinson's report, dated 10th instant, No. 395, together with the original enclosures received therewith, being the statements of witnesses recorded by him, the documents filed by the Mohunt and by the Tahsildar of Chendragherry on behalf of Government.

2. The report deals so fully with the question at issue, viz., the ownership of the hill and the forests thereon claimed by the Mohunt, that I do not feel called upon to reiterate the facts stated by Mr. Wilkinson, to whom the inquiry was specially referred by the Board.

3. After a careful perusal of the report and the papers upon which it is based, I can come to no other conclusion than that arrived at by Mr. Wilkinson, that the Mohunt has failed to establish his claim or right to the hill and the forests, except to a small portion of the jungles in the immediate neighbourhood of the temple at Upper Triputhy.

4. On the other hand, from the evidence adduced by the Mohunt and by that offered by the Chendragherry Tahsildar, it is abundantly clear that the Government have, up to the date of the claim, treated the hill and the jungles as their own property, and have, in proof thereof, exercised acts of ownership quite inconsistent with the exclusive possession now claimed by the Mohunt. The Government right is, however, subject to certain rights of ways upon the hill leading to the temple and of the lands claimed as inam by the Agent and Manager of Galigoparam.

5. These and other rights of similar nature should, I agree with Mr. Wilkinson, be recognized by the Government when they formally assert their right in supersession of that set up by the Mohunt.

6. Mr. Wilkinson, in paragraph 23, alludes to an order, marked S, of the Acting Collector, Mr. Sewell, dated 22nd May 1873, No. 170, as the first and only document which at all distinctly recognizes the Mohunt's right to the forests on the Tirumalai hill.

7. This order was issued upon a reference by Nummiah Chetty who was then acting as Tahsildar of Chendragherry, and who had had but a few days' experience of the taluk when he wrote his report.

8. The report itself is very carelessly worded, and, although it professes to treat of the forests in general upon the Tirumalai hill, refers specially to a certain order of the late Assistant Collector, Mr. Sewell, No. 109, dated 19th April 1872, who, on his own responsibility, and without reference of any kind to this office, and upon the evidence of a few witnesses who are the servants of the Mohunt, directed that a portion of the forests in question within certain boundaries, which he specified in that order having been granted to the temple by a former Poligar of Mamandoor (since resumed), and used by the temple for its own purposes, should not be interfered with.

9. This order, to which Mr. Wilkinson alludes in paragraph 52 of his report, was issued without, as I have stated, any reference or notice to this office; and the Tahsildar having referred to it in his Arzi as if it supported the Mohunt's claim to the *whole* forests, the Acting Collector declined to interfere, and desired the party who wanted wood from the Tirumalai forest to make his own arrangements with the Mohunt.

10. At the time this order was issued, neither I nor my Sheristadar was in the district. We were both absent on leave, and our successors were new. The *Acting* Sheristadar, moreover, was at the time absent at Arni on jummahbundy business, and the Arzi was read by the Vernacular Head Clerk, Narainasawmi Mudali, who prepared the Takeed according to Mr. H. Sewell's English order recorded on the Tahsildar's Arzi. I am not prepared to impute any bad faith to the Head Clerk who was possibly unaware of the existence of the claim by the Mohunt.

11. The whole thing is the result of misapprehension from the beginning to end. The Mohunt cannot, of course, be allowed to take advantage of this order, which was passed long after the date of his claim, and only a few weeks before the inquiry commenced.

12. I have called upon the Tahsildar, Nummiah Chetty, to report what he meant by writing his Arzi about the Tirumalai forests in general, and relying in support of his argument on the Assistant Collector's order, which only treated of a particular portion thereof.

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When his reply is received, I will send it to the Board if necessary.

13. It is also worthy of note that no copy of the Assistant Collector's order, or of the correspondence which gave rise to it, was forwarded along with the Tahsildar's Arzi. It is much to be regretted that the Assistant, Mr. R. Sewell, should have taken it on himself to dispose hastily, and without reference to me, of so very important a matter as the Mohunt's claim to valuable forests on the Triputhy hills; for, the Board will perceive, it was the fact of such an order having been issued that enabled the *Acting* Tahsildar to address his Arzi to the late Acting Collector, Mr. H. Sewell, and which induced that gentleman to issue the Takeed on which the Mohunt now lays so much stress.

14. The documents in this case will be sent in a box by rail, as per enclosed list.

ENCLOSURE No. 1.

From F. WILKINSON, Esq., Acting Sub-Collector of Salem, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Oossoor, 10th September 1873, No. 395.

I have the honour to submit the report called for in Proceedings of Board of Revenue, dated 5th June 1873, No. 945. In the docket on the above Proceedings, it is stated that I am deputed to investigate and settle the boundary-dispute between Tirumalai village at the summit of the Triputhy hill and villages at foot of the hill; but in the letter of the Director of Revenue Settlement (in Proceedings, Board of Revenue, dated 13th May 1873, No. 782), which gave occasion to this investigation, the point which it is suggested I should be directed to report on is the claim of the Mohunt to the whole area of the Triputhy hill. The two questions are so intimately connected that I have thought it best to report on the whole subject and not to confine myself merely to defining the boundaries of the Government villages at the foot of the hill.

2. I enclose a precis of the correspondence on the subject of Triputhy hill, which has taken place between the Inam Commissioner and the Collector, as well as between the Collector and the Deputy Director of Revenue Settlement. (Marked AA. Marked BB.)

3. Before commencing my report on the Mohunt's claims, a brief description of the hill may not be out of place, and will serve to render some parts of the report more intelligible. The range of hills on which the celebrated Triputhy pagoda stands are situated in the north-east corner of the Chendragherry Taluk. The ascent commences at the Adipadigoparam or portal, which is about half a mile distant from Lower Triputhy. Beyond this goparam, none but Hindoos are allowed to proceed. At the summit of the slope stands the Galigoparam or portal where a light is kept burning every night. The distance from here to Upper Triputhy is six miles. The road or path which passes through scrub-jungles, and is in many places very precipitous is paved with stone. There are mantapams and halting places at different intervals. The road, mantapams, &c., are in indifferent repair.

4. About half way between the Galigoparam and Upper Triputhy, there is a fine well, said to have been sunk by one of the predecessors of the Mohunt. Adjoining it is a mattam and a tope containing fruit-trees which is kept up by the Mohunt himself. This tope is not entered in the list submitted by the Tahsildar of Chendragherry to the Inam Commissioner. I was told that the produce is devoted to charitable purposes, though the tope is not connected with the Devastanam. Its extent is said to be about fifty cawnies.

5. The village of Tirumalai or Upper Triputhy lies in a hollow, surrounded by hills on every side, but the east or south-east. In the centre is the great temple with its gilded dome. Round the temple runs a broad street, along which the car is dragged. Facing the street are a large number of mattams and chuttrums belonging to different Zemindars and private individuals. These mattams are let out to pilgrims during the festivals, and are a source of profit to their proprietors. At the back of the mattams and chuttrums are topes containing jack, orange, plaintain, mango, and other fruit-trees. On the south-west on the path leading to Chendragherry is a fine tank from which the topes are watered.

6. Beyond the topes is jungle. I did not observe many large trees in the jungle immediately round Upper Triputhy, but there is abundance of firewood.

7. There are four roads or paths from Upper Triputhy: the most frequented path is the one which leads to Lower Triputhy, passing through the Galigoparam; another path leads to Chendragherry; a third to Balapalli; and a fourth to the tirthams or water-falls.

8. I received the correspondence referred to in the second paragraph on the 4th August, commenced my inquiry on the 8th, and concluded it on the 18th idem. The Peishcar (or Sheristadar, the real Manager of the Devastanam I was told) who appeared on behalf of the Mohunt filed twenty-nine documents and examined twenty-two witnesses. The Tahsildar of Chendragherry, who appeared on behalf of Government, put in eleven documents and examined ten witnesses.

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9. From the written statement (marked X) put in by the Peishcar, it appears that the Mohunt claims the whole of the range of hills on which the Triputhy pagoda stands. He states that the hill is known by two names: Tirumalai Konda and Narayana Paravatam. This statement is incorrect. During the whole of the inquiry the hill was never once alluded to by the latter name, which is the name given to one of the small hills which bound the valley in which Upper Triputhy lies.

10. The Peishcar goes on to say that the lands and other possessions attached to the temple were never subjected to pymaish, but have always been permitted to be enjoyed free. This is begging the whole question. He has first to show that the lands were attached to the temple. What he evidently means is that, as in the pymaish accounts, the only entry for the Tirumalai village is "Tirumalai Revenue No. 32," and no extent or boundaries are given, it must be concluded that the village belonged to the temple. The real reasons why the hill was not pymaished appear to have been two: first, it is coverd with dense and in many places impenetrable jungle; and, secondly, none of it is cultivated. These are the reasons assigned in a document put in by the Peishcar himself, and marked U. Moreover, the fourth witness (produced by the Tahsildar), who was Curnum of Lower Triputhy from 1829 to 1840, deposes: "No pymaish was made of the Tirumalai hill when the Mamandoor Polliem was resumed by Government, because the Pymaishdar reported that the jungle was too dense for survey operations, and that survey was unnecessary as there was no cultivation." Presumably for these same reasons in many other villages in the Chendragherry Taluk the hills are not entered in the pymaish accounts.

11. The Peishcar ends by saying that he is prepared to establish the rights of the Devastanam by Sashanams and other documents. Not one Sashanam was filed, and the only one I heard of is noticed in paragraph 40 of this report.

12. I now proceed to notice the documents filed in support of his claim. A is a cowle addressed to all kavalgars, archakams, &c., at Triputhy, and assures them that all inams and such religious rites as are connected with the establishment of the pagoda shall be continued without interruption in conformity to long established custom, and that only those castes hitherto admitted on the hill will, in future, be allowed that indulgence. It is dated 9th September 1801, and is signed by Mr. Stratton. I would call attention to one point in this cowle, viz., the mention of inams which are to be continued. The Peishcar states that all these inams (enumerated in an Appendix to Mr. Stratton's report marked B) were enfranchised by the Inam Commissioner, and that he held a Vakalut on behalf of the Mohunt during the inam inquiry. He also admits that no application was made by the Mohunt to enfranchise the Tirumalai village or hill.

13. The next document, filed by the Mohunt, is a report* on the Triputhy pagoda by the Collector, Mr. Stratton, who states that it is his intention to define the sources of revenue from the Triputhy pagoda. These he classes under four heads: first, oblations; second, presents; third, receipts, such as money paid by devotees for seeing the idol washed, dressed, &c., and for seeing the different processions; and fourth, certain farms or licenses, such as the farm of selling sweetmeats which have been offered to the idol, and the tax on barbers. He states that the revenues of the pagoda have ever been considered the right of the Sircar. In one of the appendices to his report, Mr. Stratton gives a list of the inam villages below the hill enjoyed by Brahmins and others attached to the Triputhy pagoda. Mr. Stratton nowhere alludes to the hill as attached to the pagoda as an inam, nor is the Galigoparam inam (of which more hereafter) entered in the Appendix.

* Dated 31st January 1803.

14. The Peishcar laid great stress on the 2nd paragraph of Mr. Stratton's report which, in his opinion, proved that Mr. Stratton considered the Adipadigoparam as one of the boundaries of the sacred hill, and that the hill was the Hindoo pujah stalam. All that Mr. Stratton says is that all other castes but Hindoos, are restricted from passing the Adipadigoparam, and that in such veneration is the hill held that pilgrims prostrate themselves on obtaining the first sight of the range. How this can be supposed to mean that the whole range of hills was attached to the pagoda I fail to see.

15. Document C, a sheet of the Ordnance Map, is noticed below in paragraph 45. The Peishcar argues that the entry, "The sacred hills of Triputhy," belongs to the god, *i. e.*, is attached to the temple.

16. D is a Sunnud granted on the 10th July 1843 to the Mohunt of Hatteram mattam at Tirumalai and Triputhy. In it the Mohunt is informed that the Tahsildar has been ordered to give him possession of nineteen pagodas and the temples appertaining thereto, as well as personal property, such as locks, keys, &c. of the several pagodas. The villages and lands enjoyed by the worshippers, priests, and Jeyangars (those mentioned in the Appendix of Mr. Stratton's report) are mentioned, but there is no allusion to any land as attached to the pagoda, and nothing is said about the hill and the jungle thereon. From the date of this Sunnud all connection of Government with the Devastanam ceased, and surely, if the Government

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of that day had intended that a valuable jungle tract of 100 to 150 square miles should be alienated and handed over to the Devastanam, some mention of it would have been made in this Sunnud. All that was given up to the Mohunt was the nineteen pagodas and temples attached thereto, and Government evidently reserved to themselves the hill with its extensive jungles.

17. E is a Khat addressed to the Mohunt by the Collector, Mr. Bourdillon, on the 28th August 1848, informing him that the Tahsildar has been directed neither to measure nor to impose any rent on the flower gardens at Upper Triputhy, inasmuch as they are exclusively in the enjoyment of the temple, and have not paid rent to Government for many years. (The Arzi of the Tahsildar on which this Khat was founded is marked P. It calls for no remark). On this I would observe that Mr. Bourdillon speaks of the topes in Upper Triputhy as mere flower gardens, whereas, on my inspection, I found that they contained valuable fruit trees and few or no flowers. Again, he says, their produce is exclusively enjoyed by the temple, whereas it is in evidence that only part of the produce is devoted to the temple, and part is appropriated by the proprietors themselves. It is evident, therefore, that the information on which Mr. Bourdillon acted was not strictly correct.

18. F is an Arzi addressed to the Mohunt by the Tahsildar of Chendragherry in 1862, informing him that the Tahsildar has no objection to the Mohunt making arrangements for the safety of the pilgrims coming from Chendragherry by clearing jungle and keeping kattubadi peons. The only way in which this bears on the inquiry is this: it shows that in 1862 the Mohunt thought it necessary to obtain the sanction of the Government officials before clearing the jungle on the sides of the path. G is an Arzi from the Triputhy Sub-Magistrate to the same effect, with reference to the Balapalli ghaut.

19. H is a Khat addressed to the Mohunt by the Collector in 1871, requesting him to issue the necessary orders permitting the contractor who had undertaken the repair of the "Veikalu mantapam" to take earth for burning bricks at a reasonable distance from Upper Triputhy. The Mohunt construes an act of politeness on the part of Mr. J. D. Robinson as an admission by him of the Mohunt's right to the Triputhy hill. The reason permission was asked was probably the vicinity of the brick-kiln to the temple. The document marked I is merely an estimate for the repair of the said mantapam.

20. The documents marked J, J, will be noticed further on. So far from establishing the Mohunt's claim, they go to show that he never enjoyed more than a very limited portion of the jungle, and that in the immediate vicinity of the temple.

21. The documents marked K, L, M, N, and O, are accounts for Fuslies 1251, 1252, 1254, 1257, and 1258, filed by the Mohunt to show that in those years he leased out the soapnuts on the hill. The Devastanam was not handed over to the Mohunt till Fusly 1253, and while it was under Government no separate accounts were kept of the Devastanam and Government revenues. To show, however, that the Mohunt had nothing to do with leasing out the soapnut trees before Fusly 1256, it is only necessary to consult the entry in the accounts for Fusly 1252, in which it is expressly entered that the value of 5 maunds of soapnuts had been taken for the use of the pagoda, and the remaining 25 maunds sold by Government at $1\frac{1}{4}$ Rupees per maund. In Fusly 1254 the entry is "purchase of soapnut, Rupees 8-10-0." This is no evidence for a lease. From the accounts for Fuslies 1257 and 1258 it appears that a certain sum was realized by the lease of soapnuts in Fuslies 1256 and 1257, and credited to the Devastanam. This point will be explained further on.

22. Q is a report submitted by the Tahsildar to the Assistant Collector on an application made by one Subba Rao for 15 cawnies of land on the hill, at 4 Annas per cawny. The Assistant Collector (R) rejected the application, on the ground that "Mr. Bourdillon had, in 1848, directed that the lands should be reserved for charitable purposes." It is evident that the Assistant Collector never read Mr. Bourdillon's order of 1848.

23. S is a Takeed to the Tahsildar directing him to inform the party who had contracted to repair the Mysore Rajah's chuttrum that the permission of the Mohunt should be obtained before he began to cut wood in the jungles on the hill. This is the first and only intimation we have of the Mohunt's right to the jungle on the hill. The order was issued by the Acting Collector, Mr. Sewell, on May last, at which time a peon of the Forest Department was stationed on the hill to prevent unauthorized felling of timber. T is a report of no value by a Revenue Inspector, dated 10th April 1873.

24. U is an Arzi addressed to the Collector by the Tahsildar of Chendragherry, furnishing certain information required by the Inam Commissioner. The Tahsildar reports that the extent of the hill cannot be accurately ascertained, as no pymaish was made on account of the jungle, that "the Mohunt is unable to give the exact extent claimed by him, but thinks it is about 100 to 150 square miles," whereas the Revenue Inspector estimates that the extent of land in enjoyment of the temple is

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about 40 square miles. The Tahsildar stated that the extent of land occupied by topes was 78 acres, that there was no other cultivation on the hill, and that no assessment was levied on the topes. From this it will be observed that in April last the Mohunt had not made up his mind as to how much of the hill he should claim.

25. I now come to the witnesses, many of whom are the servants of the Mohunt or Devastanam.

The points which the witnesses were called to prove appear to be the following:—

(1.) To whom does the hill belong?

(2.) By whom has the right of cutting firewood and other wood in the jungles on the hill been enjoyed?

(3.) By whom have the fruits on the hill been gathered and enjoyed?

(4.) To whom is rent paid by the shop-keepers in Upper Triputhy?

26. On the first point the witnesses assert that "the hill belongs to the Swami or god." Their reason for saying so is that as pilgrims visit the ten or fifteen different tirthams or water-falls, which are situated at some distance from Upper Triputhy, for the purpose of bathing, and as the repair of the road to these tirthams and the repair of the mantapams and shrines thereon is or should be executed by the Devastanam, therefore the hill belongs to the god.

27. It is impossible to give the exact distances of these water-falls from Upper Triputhy, as the witnesses' statements on this point are very conflicting. It appears that the distant tirthams or water-falls are visited once a year by the pilgrims. On these occasions people bathe in the pools, the puranas are read, and rice is distributed. One tirtham, by name Akasa gunga, is about a mile from Upper Triputhy. From this the water in which the god is bathed is daily brought to the temple.

28. The statement that the mantapams, &c., on the road to the tirthams are repaired by the Devastanam must be received with some modification, as the Peishcar who has been in the service of the Devastanam twenty-four years deposes that since he has been Peishcar he has not known any money expended on repairs. If one may judge of their condition from that of the mantapams, &c., on the road from the Galigoparam to Upper Triputhy, I should say that, though it was generally considered to be the duty of the Devastanam to repair these mantapams, little or no money had ever been expended on them.

29. Be that as it may, the question remains whether, because once in a year pilgrims bathe in the pools at the foot of certain water-falls, all the jungle between those water-falls and Upper Triputhy can be considered to belong to the Devastanam; for this is the point urged by the Mohunt and his followers.

30. As far as I could ascertain from personal inquiry when at Upper Triputhy, all these tirthams are situated on the northern and eastern sides alone, and there are none on the south and west. If, therefore, the above argument were good, it does not apply to the whole hill.

31. Probably aware of this, some witnesses were produced to speak to the actual boundaries. Their evidence on this point is of so much importance that I shall give it in full.

32. The first witness states that the Hindoo pujah stalam (the place of Hindoo worship) begins from a tirtham named Strinivasa Pushkaranai (where are some feet of the god on a rock) about two miles from Balapalli on north-east; that the eastern boundary of Tirumalai is Kirkambadi and Mamandoor, the western Nagapatla, Gopalapuram, and the Cuddapah frontier, and the southern the Adipadigoparam.

33. The second witness says, the boundaries of the Tirumalai are, on east, Strinivasa Pushkaranai; on west, Rolla-kanama; on the north, Stris-alam. The fifth witness merely says, the boundaries of the temple are beyond the tirthams. The ninth witness says, as the pilgrims go as far as the tirthams, which belong to the god, I should say they, *i.e.*, the tirthams, are the boundaries of Tirumalai.

34. The eleventh witness says: "On the Balapalli side, Strinivasa Pushkaranai, and on the east, Tumbarkona, are the boundaries of the hill which belongs to the god." The twelfth witness gives the following boundaries of the hill:—Nagapatla, Tumbarkona, Balapalli, and Kirkambadi. He adds, there are no boundary marks.

35. The thirteenth witness gives the following as the boundaries "of the jungle:"—"On the west, Jandaipetro, a big rock on the top of the hill; on the north-west, Gollabratsa; on north, Venkatagiri Rajah's chuttrum; and on the east, Atimana Chellama, an Ati tree, and a spring also on the top of the hill." These are the boundaries of the jungles; but he says he heard from his ancestors that the boundaries of the Devastanam were the barber's mantapam on the top of the Chendragherry ghaut and Narayana Paravatam (one of the hills mentioned in paragraph 5, as bounding on one side the valley in which Upper Triputhy lies). He adds that his ancestors told him that all that belonged to the Devastanam was the village of Upper Triputhy, the topes immediately round the village, and the jungle for about one mile all around.

36. The only other witness who speaks to the boundaries is the seventeenth. He says, "The Tirumalai hill belongs to the god. Its

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boundaries are Mamandoor, the feet of the god near Balapalli, the Adipadigoparam, and the Chamala jungle.

37. With reference to the statements of the first and seventeenth witnesses as to the feet of the god on a rock, it is admitted both by the Peishcar and the seventeenth witness that these feet are to be found everywhere, and are no proof of a boundary.

38. The remaining witnesses say they do not know if there are any boundaries, nor what they are, and one old gentleman of seventy-eight says, with the piety characteristic of his age, " there are no boundaries ; everything belongs to god."

39. We have now to compare the boundaries as given by these witnesses, conflicting as they are, with those claimed by the Mohunt as set forth in his written statement (marked X) and in the Ordnance Map (marked C) which he files.

40. The Mohunt in X says, the Triputhy hill is bounded on the west by the Sashanam put up at Errabontalakona to mark the boundary between the Kirkambadi Polliem and Triputhy.

41. The Peishcar in his deposition says, " I heard that this Sashanam was a stone on the hill, bearing the image of Vishnu, and the word Tirumalai." If there is such a stone, it is strange that no witnesses could be produced who had seen it, and that none of the witnesses who speak of the boundaries say anything about this wonderful stone. I fancy it had its origin and existence in the Peishcar's fertile brain. The Curnums of the villages thereabouts have never heard of its existence.

42. The Mohunt goes on to say, the Triputhy hill is bounded on the north (query, if it is the north, the Cuddapah frontier is on the north, the Cuddapah villages on south) by the demarcation stones placed by the Settlement Department at the foot of the hill to mark out the limits of Timmanaidi Polliem, Triputhy, Puthupatla, and other villages, on the east and south by similar demarcation stones.

43. Now, can anything be more absurd than to claim as the boundaries of the Triputhy hill,—boundaries which the Mohunt would have us believed have been respected by Hindoo and Mahomedan Governments for centuries,—certain stones placed about a year ago by the Settlement Department simply to facilitate the survey operations. Mr. Rundall, in a letter to me, dated 22nd July, says, " The line marked along the foot of the hill, which the Mohunt now asserts to be the true boundary of the hill, was made for survey purposes;" and the Head Classifier, by whom the said line was defined and cleared, deposes to the following effect:— " We have fixed stones at the bottom of the hill to facilitate the survey, as they mark jungle and cultivation differently in their plans. There was never any idea of this being a boundary line. The big stones in brick and chunam were put down for triangulation."

44. This disposes of the Mohunt's claims to have the stones put down for triangulation, regarded as the boundaries of the hill, and when I come to examine the boundaries of the Government villages according to the pymaish accounts, it will be seen that they extend a considerable distance beyond the said stones.

45. In the Ordnance Map the hill is marked as " Tirroo Mally, the sacred hills of Triputhy." Strinivasa Pushkaranai, mentioned as a boundary by some of the witnesses, is entered as a village beyond the slopes of the hill. Mamandoor, Kirkambadi, and Nagapatla, are a considerable distance from the foot of the hill. Tumburkona is apparently entered as the name of a river, and is also at some distance from the Tirroo Mally. So far, then, from the plan C supporting the pretensions of the Mohunt, and the boundaries of the Tirumalai hill as given by himself or his witnesses, it, in my opinion, goes to show that they are unfounded, and that no reliance can be placed on the loose and inaccurate statements of the witnesses.

46. We now come to the second point for which witnesses were called, viz., to prove that the Mohunt has always possessed and exercised the right of cutting firewood and wood for the repair of the car, &c., on any part of the hill. The evidence on this point is most contradictory and unsatisfactory. Some cooks of the temple were produced, who deposed that firewood was cut at a distance of three or four miles from the temple. Other witnesses said when wood was required for the car it was brought from Tumburkona and distant jungles; none of the witnesses had seen traces of its having been cut. On the contrary, the first witness, one of the most influential followers of the Mohunt, says, " Firewood is brought to the Devastanam from a distance of two miles. Twenty years ago wood was brought from a distance of six miles to construct a new car;" and the second witness, also a man of position, says, " The wood for the repair of the car was cut in the jungle close to Upper Triputhy, and part was brought from Madras."

47. Had wood been cut at Tumburkona and other distant jungles, it would surely have been easy to produce the persons who had felled the jungles, or the carpenters who had worked up the rough wood for the car. Instead of that, one or two cooks, a temple monigar, and others are brought forward to say they have seen wood being brought from a distance, but they cannot say where it was cut nor when. I cannot place any reliance on their vague statements, and think the Mohunt

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has entirely failed to show that he has ever exercised a right of cutting wood where he liked. The Peishcar admits that the jungles on the hill have never been leased out by the Mohunt; that he has never issued licenses for cutting wood, nor maintained any establishment for the protection of the jungles. Is it to be supposed that, if the Mohunt had ever imagined that the whole of the jungle on the hill was attached to the Devastanam, he would have taken no steps towards protecting such a magnificent property and realizing a revenue therefrom?

48. A few witnesses only were called to say that all the fruits found in the jungles on the hill are used for the god. When one considers that the whole of the hill, the area of which may be estimated at 100 to 150 square miles is covered with jungle, the bare statement of five witnesses (two of whom are mere shop-keepers), that all the fruits, the produce of the jungles, are enjoyed by the Devastanam, cannot be considered of any value. The Poligar of Mamandoor, on the other hand, states that, until his Polliem was resumed by Government, he, as his ancestors before him had done, granted leases for the honey, wax, kadukai, and other fruits on the hill, and the other witnesses called by the Tahsildar state that after the resumption Government continued to grant such leases. Of this, however, the Tahsildar could produce no proof from his records. The fourth witness produced the accounts mentioned in paragraph 21 to prove that the Mohunt had exercised the right of leasing out the soapnuts. This point was commented on there, and will be noticed again when I come to the evidence adduced by the Tahsildar.

49. Three witnesses were called to depose to the fourth point, and documents marked V, V1, V2, and W, were put in to prove that rent for shops at Upper Triputhy had been paid to the Mohunt. The twenty-first witness admitted that W was a genuine document executed by his father. This document was executed in 1853, and the executor binds himself to pay Rupees 4 per annum for a portion of a mantapam used by him as a shop. The other three documents were repudiated by the witnesses, and there is nothing to show that they are genuine.

50. I have now noticed the whole of the evidence, oral and documentary, adduced by the Mohunt in support of his claim, and proceed to examine the points adduced by the Tahsildar contra.

51. The Tahsildar of Chendragherry advanced the following objections to the claim of the Mohunt to the whole of the Triputhy hills:—

(1.) A former Poligar of Mamandoor granted 2 square miles of jungle for the use of the temple.

(2.) A sunnud is in existence by which 151 odd cawnies of land on the summit of the hill are granted away not to the temple but to the Inamdar of the Galigoparam.

(3.) Government have always retained the right of leasing out the soapnut trees in the jungle round Upper Triputhy.

(4.) Since 1860 Government have levied seigniorage on all wood cut on the Triputhy hill.

(5.) Government formerly exercised the right of granting leases for certain quarries on the hill.

(6.) The pymaish accounts show that the boundaries of the Government villages at the foot of the hill extend up the slopes far beyond the line cut by the Demarcation Department for survey purposes, and which is now claimed by the Mohunt as a boundary line.

(7.) In one village, viz., Timminaidupalayam, land on the summit of the hill is held on puttah, and waste land is entered in the accounts as assessed.

52. It appears that in 1872 a complaint was made by the Poligar of Mamandoor that licenses had been issued by the Monigar of Lower Triputhy for felling wood in the jungle of Gopalapuram, which jungle is situated in the vicinity of Upper Triputhy, and was, he asserted, granted by his ancestors to the temple. An inquiry was held by a Revenue Inspector, depositions and a Mahazarnamah were taken from people who knew the jungles, and a report submitted. Thereupon, on the 19th April 1872, the Assistant Collector issued a Takeed (marked J, put in by the Mohunt in support of his claim) to the following effect:—"The Gopalapuram jungle does not form a portion of that given in endowment to the temple. The jungle granted by the Poligar to the temple is situated within the following limits:—Narayana Paravatam on west, Papavinasana tirtham on north, Vykunta tirtham on east, and Muggubhavi on south. The jungle in question shall continue to be enjoyed exclusively by the temple free from all interference." A copy of this Takeed was furnished to the Mohunt with Khat marked J, but from that day to this he has never made any appeal against, or objection to, this decision of the Assistant Collector. He has tacitly admitted that the decision is right, that a grant was made by the Mamandoor Poligar, and that he was not entitled to anything beyond the above limits. I may add that in the inquiry held by the Revenue Inspector, the records of which I have perused, it was clearly proved that Narayana Paravatam (*vide* paragraph 9) is the name of a hill about a mile from the temple, and that the Devastanam jungle lay between it and the temple.

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53. The evidence on this first point is as follows:—The first witness called by the Tahsildar is the present Poligar of Mamandoor. He heard from his ancestors that about two square miles of jungle, round Upper Triputhy, had been granted by a former Poligar to the temple. In acknowledgment of that grant Rupees 57-1-1 have been, and are still, annually paid to the Poligars of Mamandoor by the Devastanam, and they also receive a valuable cloth which has been worn by the god. Before the Polliem was resumed by Government, this witness exercised the right of cutting wood on the hill, and granted leases for the jungle as his ancestors had done before him. It appears from the pymaish accounts of the village of Nagapatla that when those accounts were prepared, *i.e.*, in Fusly 1215 (1806), the whole of the top of the hill was considered to form part of the Mamandoor Polliem. The entry of the boundary at the summit of the slope is as follows:—"To the limit of the boundary of Mamandoor." Now, the village and Polliem of Mamandoor are at the very opposite end of the range of hills, ten miles or more from Nagapatla; so that it is evident that the summit of the hill was, up to the time the Polliem was resumed by Government, held by the Poligar of Mamandoor.

54. That this grant of jungle was made by a former Poligar is asserted by the Tahsildar's fourth witness, and on this point the Mohunt's second witness says, "I heard from my ancestors that the jungle round the temple had been granted 400 years ago by the Poligars to the temple, and it is from this jungle that the daily supply of firewood is cut, Rupees 51 are paid, and presents given annually to the Mamandoor Poligar in consideration of the above grant." This is confirmed by the Mohunt's fourth witness, who states that the Mohunt annually pays to the Mamandoor Poligar Rupees 57 odd for firewood cut in the jungle immediately round the temple. The nineteenth witness speaks to the Poligar's right to the jungle, and the thirteenth witness, as pointed out in paragraph 35, gives very clear evidence on this point.

55. The Peishcar is unable to say whether such a grant was ever made or not, is not aware of the existence of any Sunnud to that effect, but admits that for a long time Rupees 57 were paid to the Mamandoor Poligar for firewood. In a Khat (enclosed and marked DD) addressed to the 3rd Class Revenue Inspector of Chendragherry Taluk on the 25th April 1872, the Mohunt admits that certain jungle was granted by the former Poligars of Mamandoor Polliem to the Devastanam, and objects to demarcation of the topes within those limits. Again, in his letter to the Board, No. 641, dated 6th December 1872, the Collector of North Arcot reports that "the Mohunt states that the lands in Upper Triputhy were formerly granted to the pagoda by the Poligar of Mamandoor Polliem, &c." That some such grant, therefore, was made is clear both from the Mohunt's own admissions and from the evidence of his own and other witnesses.

56. To prove the second point, the Vakeel of Bagavandossji, the present occupier of the Galigoparam, files a Sunnud (marked No. 1) and a genealogical tree (marked No. 2).

57. The Sunnud is dated Sarvajittu year, and was issued in the reign of Royalu Viramana Roya Roya Simhasanamvaru, about 400 years go. It is in the form of an order addressed to the persons belonging to the eighteen castes, and is to the following effect:—On the road to the hill at Galigoparam, the devotee Sarvadoss has settled, and is performing divine worship. The road has been rendered pleasant by his stay there. No one shall interfere with the fruit-bearing trees lying within his limits. The locality in which the devotee has taken up his abode has been granted in perpetuity to him and his followers. It is worthy of notice that in this Sunnud or order the Galigoparam, which is at the summit of the slope, is described as on the way to the hill, *i.e.*, the sacred hill where the god resides, showing that at that time the boundaries of the temple did not extend beyond Upper Triputhy Proper. Again, the grant of the "locality" is made not to the temple but to the devotee residing at the Galigoparam.

58. I had an interview with the present devotee who is anxious that the "locality" granted to him by the above Sunnud should be demarcated, the inam enfranchised, and a title-deed issued to him. The boundaries of the "locality" (in which grow mango, jack, tamarind, and other fruit-trees, the produce of which is given away in charity), as by immemorial tenure, will be found on page 34 of the evidence.

59. In support of his third point, the Tahsildar puts in three documents (marked Nos. 3, 4, and 5). The first two are taluk accounts, showing the amount received on account of the lease of the soapnut trees at Upper Triputhy in Fuslies 1259 and 1260. The temple had been handed over to the Mohunt in Fusly 1253, and with it he contends the whole hill; yet here we have Government granting out on lease trees in the immediate vicinity of Upper Triputhy, and in No. 5 the Collector, Mr. Bourdillon, directs the Tahsildar to put the soapnut renter in possession of the jungle.

60. The third witness, called by the Tahsildar, was first entertained as a goomastah in the Chendragherry Taluk in Fusly 1227 (1817), gradually rose to the position of Taluk Sheristadar, and his now in the enjoyment of a pen-

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sion. He states that from the time he entered the public service down to 1843, when the Devastanam was handed over to the Mohunt, Government leased out the soapnut trees, that then for two or three years the Mohunt assumed the right of granting the leases, until, on a complaint to the Board of Revenue, it was ruled that Government alone had the right to grant such leases. In consequence of this decision, Government have leased out the soapnuts up to the present day. The other evidence on this point is equally clear, and establishes the fact that Government have always reserved to itself the right of leasing out a portion of the jungle in the immediate vicinity of Upper Triputhy, and that the grant by the Mohunt in Fuslies 1256 and 1257 (*vide* paragraph 21) was an unauthorized one.

Vide paragraphs 21 and 48.

61. 4°. It is admitted by the Peishcar that, though the Mohunt knows well that for the last five years Government have issued licenses for cutting wood on the hill, he has never questioned the right of Government so to do, nor made any objection on the subject. As a matter of fact, it is thirteen years since the system of issuing licenses and collecting seigniorage came into force. The Tahsildar's witnesses (4th, 6th, 9th, and 10th) prove that ever since then the different Village Munsiffs at the foot of the hill have issued licenses for cutting wood in the Tirumalai jungles, (*vide* the entry in taluk accounts, No. 7). This must have been known to the Mohunt, yet no complaint was made till 1872, and then not by the Mohunt but by the Mamandoor Poligar. In fact, as pointed out above, the Mohunt in 1862 thought it necessary to obtain the sanction of the Chendragherry Tahsildar before clearing the jungle on the ghaut.

62. 5°. On this point there is the following evidence. The fourth witness speaks of the grant of the lease for quarrying sandal stone from 1829 to 1840, and third witness, the Taluk Sheristadar, from 1813 to 1855. No. 9 is a Takeed from the Collector, dated 18th May 1850, accepting the bid of Rupees 100 "for the right of cutting stone on the Triputhy hill." In 1855 the Collector (No. 8) ordered that the lease should be discontinued, on the ground that it was not customary elsewhere. It appears, therefore, that up to 1855, or for twelve years after the Devastanam had been handed over to the Mohunt, Government exercised the grant of leasing out the quarries on the hill. To this also the Mohunt made no objection, nor since Government relinquished it, has he himself exercised the right.

63. The last two points brought forward by the Tahsildar may be noticed together. The fourth witness deposes that, according to the pymaish, the boundaries of the village of Lower Triputhy are on the summit of the slope, and that one cawny of assessed land on the top of the hill is or was held on puttah. He adds that in the village of Timminaidupalayam, of which he was formerly Curnum, 12 cawnies of land on the summit of the hill have been held on puttah since Fusly 1258 (1848), and that the numbers situated on the summit all bear names in the pymaish accounts.

64. The present Curnum of Timminaidupalayam (sixth witness) produces the pymaish accounts. According to these there are 27 acres of assessed lands on the plateau, the boundaries of which are thus given: "On the Tirumalai hill Gurupadipenta Chenu and twelve others." The Curnum has inspected all these thirteen numbers. They are at a distance of one and two miles from the line cut at the foot of the hill by the Demarcation Department. He states that the ryots of Timminaidupalayam have always grazed their cattle and cut wood on the hill.

65. The Curnum of Lower Triputhy (seventh witness) produced the pymaish accounts, according to which the village lands extend up to the Galigoparam. Three pymaish numbers containing about 1,256 cawnies are situated on the slopes of the hill. Two of these numbers are assessed, and part of one number is held on puttah. The ryots graze their cattle, and cut wood for agricultural purposes on the slopes.

66. The ninth witness produced the pymaish accounts of Puthupatla, the boundaries of which village are at the top of the slope, on which 1,069 cawnies of land entered in the accounts must be sought; that is, the whole of the slopes belong to the village.

67. The eighth witness is a Head Classifier in the Revenue Settlement Department, who has been for some time employed in the Chendragherry Taluk, and is conversant with the claims of the Government villages. He has demarcated the whole of the lands in the villages of Nagapatla and Gopalapuram up to the foot of the slope, and there remain, by the pymaish accounts, 607 odd acres in the former and 453 odd acres in the latter village still undemarcated. These numbers and acres are, he concludes, on the slopes, as he found, by personal examination, that the boundaries given in the pymaish run along the top of the hill, so as to include the whole of the slopes in the villages. In the pymaish accounts of Nagapatla, two of the slope numbers are entered as cattle-stand. (As the extent of these numbers is considerable, I presume by cattle-stand was meant the grazing grounds of the village). At the time of pymaish, the slope numbers in Gopalapuram were under cultivation. In the pymaish accounts of Reppala Makalapalli and of Mutapalayam, no hill poramboke is entered, but the ryots claim the right of grazing, &c.,

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on the slopes on the ground of immemorial enjoyment.

68. I enclose, for reference, a Statement* showing all the villages at the foot of the hill, the total extent of the villages as by the pymaish accounts, the extent on the hill, and at the foot. From this and the above, it will be seen that in five villages the whole of the slopes are included in the village boundaries, that cultivation has been and is still carried on not only on the slopes but on the summit of the hill, and that the ryots of the other villages have, from time immemorial, enjoyed the right of pasturing their cattle and cutting wood for agricultural purposes both on the slopes and on the plateau. Moreover, it appears that a large tract of jungle on the hill has been demarcated as belonging to the Kirkambadipalayam which the Mohunt has tacitly agreed to.

* Marked CC.

69. There is one other point I would call attention to. It will be noticed that, in paragraph 4, I mentioned a tope or garden which the Peishcar informed me was unconnected with the Devastanam, and was the private property of the Mohunt. While I was inspecting the different topes at Upper Triputhy, he continually impressed the same fact upon me, viz., that such and such topes were the Mohunt's private property, and did not belong to the Devastanam, although the produce was devoted to charity. It is difficult to see how, if, as the Mohunt contends, the whole hill belongs to the Devastanam, any part of it can be his private property. There is no doubt that, if the Zemindars and others at whose expense the topes at Upper Triputhy were planted, and are kept up, were consulted, they would claim the topes as their private property, and argue that, though the produce was given in charity, the topes were in no way connected with the Devastanam. The Mohunt exercises no right in respect of these topes. He cannot demand that the produce be given to the temple. To declare that the whole hill belonged to the Devastanam would be a most unwarranted interference with private rights of ownership in these gardens, and it is not likely that the proprietors would timely submit to have their property thus transferred to the temple.

70. The following are the conclusions I have arrived at, and the suggestions I venture to make :—

(1.) The Mohunt has entirely failed to prove that the whole hill, or any part of it was ever attached to, or that the whole of the jungle thereon was ever enjoyed by the Devastanam. On the contrary, it is evident that the hill and its jungles have always been considered to be the property of Government. I think, therefore, the Mohunt's claim to the Tirumalai hill should be rejected.

(2.) It is considered by Hindoos the duty, though it is evidently not the practice, of the Mohunt (as the Manager of the Devastanam) to keep in repair the roads or paths mentioned in paragraph 7, with the shrines and mantapams thereon. I would suggest that the four paths or roads leading from Upper Triputhy to Balapalli—(1), to Chendragherry; (2), Lower Triputhy as far as the Adipadigoparam, excepting the portion which runs through the Galigoparam Inam; (3), and to the tirthams or water-falls; (4) together with fifty yards of jungle on each side of the above paths should be declared to be the property of the Devastanam.

(3.) I consider it clearly proved that the different topes at Upper Triputhy, the Mohunt's garden half way between Upper Triputhy and the Galigoparam, and the "locality" claimed by the resident devotee of the Galigoparam, are private property, in no way connected with the Devastanam, but that, as a rule, the produce is devoted to charity. I venture to recommend the grant of free inam title-deeds to the separate owners, whose names will be found in Register No. 1 (*vide* AA, Precis).

(4.) It is evident that no assessment has been levied on these topes or gardens. I think none need now be imposed as long as the produce is given away in charity.

(5.) As the Mohunt and his followers are opposed to the detailed demarcation of the topes in question, if it should be decided that no assessment be levied, I would recommend that demarcation be declared unnecessary.

(6.) It is evident that some portion of the jungle immediately surrounding Upper Triputhy was formerly granted for the use of the temple, and that firewood for daily use is, and has always been, cut there. I would, therefore, recommend that half a mile of jungle on each side of the temple be ceded to the Devastanam, and that the portion so handed over be demarcated. This will afford an ample supply of firewood for all purposes.

71. Trusting to be excused for the length to which this report has run, I have, &c.

P. S.—The documents put in by the Mohunt and Tahsildar have been forwarded to your address by rail.

(True Copy.)

(Signed) W. S. WHITESIDE,

Collector.

From W. S. WHITESIDE, Esq., Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Vellore, 16th January 1874, No. 16.

Adverting to the Board's Official Memorandum, No. 1,723, dated 5th November 1873,

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I have the honour to state that the contract bond therein referred to, or a copy thereof, is not forthcoming either in the records of my office or in the taluk records.

2. From the Chendragherry Tahsildar's Arzi, No. 410, dated 28th December 1873, it appears that out of the villages referred to in paragraph 2 of the above memorandum, portions of the Triputhy hill are situated in the villages noted in the margin.

Puthupatla and Timminaidupalayam.

3. Translation of the Tahsildar's Arzi is enclosed for information.

4. I regret the delay in replying to the Board's reference. It was owing to the thorough search instituted for the contract bond and the subsequent necessity for reference to the taluk.

ENCLOSURE No. 1.—Translation of an Arzi from the Tahsildar of Chendragherry to the Collector of North Arcot, dated 28th December 1873, No. 410.

ENCLOSURES Nos. 2 and 3.—Petitions Nos. 2,791 of 1873 and 214 of 1874.

Revenue Board's Order.

Submitted for the orders of Government.

2. These papers relate to a claim to the range of hills on which the Triputhy temple stands, which is made by the Triputhy Mohunt. The hills are called in the Ordnance Map the "Tirumalai" and "the sacred hills of Triputhy," and they are estimated to comprise from 100 to 150 square miles, most of which is covered by valuable forest.

3. The claim came to light when the Settlement Department began to demarcate in the neighbourhood, and when it was brought to the notice of the Board by the Director of Revenue Settlement and the Inam Commissioner, the Board deputed Mr. Wilkinson, who was then serving in North Arcot, to hold a personal investigation.

4. The record of the inquiry is now before the Board. It was managed both thoroughly and expeditiously, and the Board consider it right to thank Mr. Wilkinson specially for the manner in which the duty entrusted to him was performed, and for the clear and interesting report in which the results of the investigation are set forth. The oral and documentary evidence now on record are sufficient to justify a confident decision as to whether the Mohunt's claim should be admitted or not.

5. The claim rests on no title-deed granted by the British or any former Government, but derives all its force from immunities permitted because of the reputed sanctity of the hill and the temple. A few years ago none but pure Hindoos had ever been allowed to pass the first portal on the ascent from Lower Triputhy to Upper Triputhy where the temple stands, and the prohibition is still in full force and strengthened by the authority of Government. The temple is resorted to by crowds of pilgrims, and they prostrate themselves to the ground directly they come within sight of the hill. The roads on the hill, the places of shelter along the roads, and several water-falls, which are said to exist on the hill and partake of the sanctity of the temple, are indisputably in charge of the Mohunt. Knowing the reverence attached to the temple by Hindoos, the British Government have abstained from interfering with it or its neighbourhood. Upper Triputhy has never been measured at the time of the pymaish or subsequently, and no assessment has been collected on topes and inams on the hill.

6. The claim having been made, the first thing to consider is when it could first have originated, and when it was first asserted. The temple is very ancient, but the revenues seem always to have been considered the right of the reigning Government, though Hindoos maintain that before the advent of the Mussulmans Hindoo princes used to make over this right to the temple. In 1843, Government renounced all connection with the temple, and transferred the control over its affairs and the management of its revenues to the chief of an establishment of ascetics at Triputhy. If the hill really belonged to the temple, it was to be expected that it would be mentioned in this order of transfer, or that if it were not so mentioned, the Mohunt, to whom the transfer was made, would have called attention to the omission. The Sunnud is described by Mr. Wilkinson in paragraph 16 of his report. It mentions inams belonging to the temple and its worshippers, but not the hill, and the Mohunt never applied for the hill also to be mentioned. Again, when the Inam Commissioner was settling inams and hill-polliems, it was to be expected that the Mohunt would ask for a title-deed for the hill if he thought he had any right to it. The Commissioner settled the inams belonging to the worshippers, priests, &c. of the temple, and the Mohunt's Agent was present during the inquiry, but the hill was never mentioned.

7. It is unnecessary to review the documents produced by the Mohunt's Manager before Mr. Wilkinson, as this is done thoroughly in the report; but certain orders passed in 1872 and 1873 require notice. In 1872 Mr. R. Sewell, then Assistant Collector, without referring to higher authority or former correspondence, declared that a certain portion of the jungle on the hill belonged to the temple,

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having been granted to it by the Mamandoor Poligar. In 1872 Mr. H. Sewell, who was Acting Collector, having the order by Mr. R. Sewell brought to his notice as one affecting all the forests on the hill, directed a contractor not to cut any wood in the hill-jungles without the consent of the Mohunt. Mr. R. Sewell made a serious mistake in issuing the rash order above described without any authority to do so. It led Mr. H. Sewell, as Acting Collector, to make another mistake, and if such mistakes had been repeated again and again as years elapsed, the Mohunt's claim would have gained life from Mr. R. Sewell's initial error. As it is, the orders are so recent and the inquiry has come so soon after them that they carry no weight, and no harm has been done.

8. In Petition No. 214 of 1874 two documents, or rather copies of documents not produced in Mr. Wilkinson's inquiry, are submitted to the Board. One is said to be about two centuries old, and to have been given by the *then* ruler. The following is stated to be a translation of it :—" Vencatapathy Deva Maharayaluvaru came to Vrooshachelam (mountain) and witnessed Sriswamivaru (god), who is the sovereign of Sri Vencatadry (Tirumalai hill)." The second is said to have been given by the Hyderabad Government to the officer in charge of the Chendragherry Taluk, and the translation is said to be : " There exist mattams which are paradise of Hatteram Mohunt in Triputhy, and also in Triputhy above the hill which belongs to the deity. Therefore, no annoyance should be caused to the said paradise mattams and to the said Mohunt. The lands and gardens should continue rent-free as per mamool. You should consider this letter as a Takeed, and enforce the terms thereof without any objection." Even if these documents are genuine, and all that they are said to be, they do not prove much. A mere assertion by one prince that the god was the sovereign of the hill, and by another that the hill belonged to the god does not go far. It is a very different thing from a definite grant of a specified tract, or even from a recognition that such a grant has been made. The omnipresence and omnipotence of a deity are not inconsistent with human rights of ownership.

9. To corroborate the documentary evidence, witnesses, as to boundaries and possession, were produced, but Mr. Wilkinson's review of their depositions, which is full and fair, shows that they did not make out the Mohunt's case.

10. All that the Mohunt showed is that the temple and its neighbourhood are reputed to be of great sanctity, that the whole hill is shadowed by this sacredness, and that the ownership of the hill *may* have become his by prescriptive right, simply because Government have shunned interference with what was "holy ground" to a large section of its subjects.

11. This presumption is completely rebutted by the evidence on the other side, which contains all the elements that can be expected in such a case. It is shown that, in recent times, the holy ground, or, at all events, the greater part of it, belonged to a Police Poligar whose polliem has been resumed, and to Government villages, and that Government have continuously exercised rights of ownership all over the hill, except in the immediate vicinity of the temple.

12. On the east of the hill is Mamandoor, the seat of an old Kavelpolliem. The polliem was resumed in 1846, but it is in evidence, that in 1806 most of the plateau on the top of the hill belonged to it, whilst even in 1846 the southern slope belonged to one of its villages, and 27 acres on the plateau to another. There is strong evidence that even the jungle immediately around the temple was given to it by the Poligar, though he could have had no right to alienate a part of his service-polliem without the consent of Government. The evidence of the fact consists of common tradition confirmed by an admission of the Mohunt in 1872, and the fact that an annual payment is made to the Poligar by the Mohunt. Moreover, some of the villages (besides those referred to above), which lie at the foot of the hill, possess part of the slopes and even part of the plateau. Thus the pymaish shows that Nagapatla has 607 acres, Gopalapuram 454, and Triputhy 1,662 acres on the hill, whilst 15 square miles of it have been demarcated without opposition from the Mohunt as part of the Kirkambadi Polliem. Even the Mohunt says that certain topes on the hill are his *private* property, and the rest would no doubt be claimed as private property held independently of the temple if the hill were distinctly assigned to the temple. A Sunnud (which seems not to be disputed by the Mohunt) is produced by the holder of certain land on the hill. It purports to have been granted to the holder's ancestors 400 years ago by the *then* ruler, Royasunhasanamvaru, and gives him about 152 cawnies of land for services rendered in a goparam on the way from Lower Triputhy to Upper Triputhy.

13. It is shown that since the temple and its appurtenances were made over to the Mohunt, Government have collected a revenue from the soapnut trees round Upper Triputhy, and this in spite of the Mohunt who assumed a right to lease the trees for the first two years; that they have levied a seigniorage on timber cut on the hill ever since the levy was authorized throughout the Presidency; and that they even leased out quarries on the hill for twelve years after they had ceased to be connected with the temple.

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14. The Board have no hesitation in advising Government to reject the Mohunt's claim.

15. The easiest way to settle the question would be to demarcate Upper Triputhy, the topes, and the inam referred to in paragraph 5; but this would cause offence to the feelings of the temple devotees, and the Board think it is unnecessary.

16. It will be sufficient if the Settlement Department are directed to demarcate the boundaries of the villages lying around the hill, even when they run up the slopes; and if the Mohunt is informed that he will not be interfered with so far as regards a circular tract, two square miles in extent, having the temple in the centre, and a radius of 1,404 yards, and the roads leading to Lower Triputhy, Chendragherry, Balapalli, and the water-falls, with the land for fifty yards on each side of the roads, and all round the water-falls, provided, of course, that no timber is conveyed beyond the hill by him or purchasers to whom he has sold it, and that the roads are kept in proper repair.

17. The Inam Commissioner may be instructed to give rent-free title-deeds for the topes and the inam, as *said* to contain a certain extent, if ownership is proved in the usual way (the Mohunt being allowed to show cause why title-deeds should not be issued if he thinks fit); but the topes and inam need not be demarcated.

18. It must then be decided whether it is worthwhile to keep the portion of the hill, which is not granted to the Mohunt and the owners of the topes and inam, as a reserved forest.

Government Order, 26th March 1874, *No.* 388.

The Government fully concur in the conclusions to which the Board have come with reference to this claim, and resolve to adopt the proposals made in paragraph 16 of the Proceedings recorded above. The Mohunt will be liberally treated by this arrangement, and all necessary facilities are thereby afforded for the convenience of pilgrims visiting the shrine.

2. The Inam Commissioner should follow the suggestions contained in paragraph 17, and the Collector and Inspector of Forests will report further on the question raised in paragraph 18.

3. Mr. Wilkinson's report does him much credit.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secretary to Government.

MISCELLANEOUS.

THE FAMINE—THE SPIRIT IN WHICH TO MEET IT—II.

ROUGH, unskilled labour may be executed by any man in health; and wages sufficient for bare existence are all that is necessary to ensure a supply of this class of labour. But as this labour needs to propagate itself or provide for its succession, such wages must be held to cover the sustenance of the labourer's family also, without which this class of labour would become extinct. Now in the case of this class, whose whole income is a bare subsistence, a fall of wages or, what is the same thing, a sudden rise in prices, is an absolute death warrant, if not to the labourer himself, to part of his family.

Wherefore all Governments pretending to a just solicitude for the welfare of their subjects have ever evinced a readiness to aid this class whenever any unexpected event has accidentally reduced the labourer to a position of enforced idleness, or his wages below the amount necessary for the subsistence of himself and his family. The able-bodied poor in a period such as that which has overtaken us in Bengal have as absolute a right to this assistance as any Government official in the country has to his monthly salary. If the State can assist the class by finding labour for them, so much the better; but the obligation to sustain them is absolute in any case, and to be measured simply by the powers of the State. An able-bodied poor left to starv commit no real crime when they help themselves to the food which the State fails to distribute; and we have no right to expect order and legality in any district where men are starving to death. The obligation on the State in times like these is as absolute to provide subsistence for the able-bodied as to make provision for the impotent poor. Whatever some may think of them, these are first principles of Governmental responsibilities at all times; and at times like the present they need to be sternly insisted upon as embodying the right rule of Governmental action.

It is because of this that we hesitate to recommend any action on the part of the public towards a Relief fund. For the Government has got into the habit of looking to the public to share its responsibility. We think that the history of the last few years before us, it is better for the public to refuse to share that responsibility. Let the Indian chambers and other public bodies approach Government with the statement of their willingness, nay their desire, to be taxed to any extent that may be necessary to supply the required funds, but let them make it clear that they hold the State responsible that the people do not perish. In emergencies such as these, money must be

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spent, and must be wasted too if the people are not to be starved; but that is the tax-payer's concern, not the State's. The *will* of the country is that the people shall not die of hunger, and it should refuse to accept apologies for their death on the ground that to keep them alive money needs to be wasted. Let it be wasted: the people must not die.

To deal properly with the emergency that has arisen, we believe it to be desirable that the attempt to make the public share in the responsibilities of the Government should be met with a respectful but firm refusal. A great authority tells us that "the first condition of "civilized rule is the power of so limiting "calamities that they shall not involve the "destruction of the people on whom they fall." The invitation commonly put forth by Government in these emergencies that the public, meaning thereby the private charity of the country, should share with itself the responsibility of feeding the weak, the aged, the sick, and the young, must be respectfully but firmly refused. For it is the first condition of civilized rule that the State perform this duty itself. The offer to make a bargain with the public that the State will do just as much as private charity does, is made from motives which we can heartily respect; but it evidences a want of that sense of responsibility which has been the cause of Governmental failure in every instance in the past. To talk of making the private charity of the country the measure of Government responsibility is to evidence, we say, insensibility to the duties of the State in such crises. For the offer comes to this, that if the appeal to private charity is coldly responded to,—and nineteen persons out of every twenty never dream of responding to such appeals at all—then the Government is justified in letting the people die. Now, in reply to that we say, that if the Government permit any part of the people, sick or well, to die of hunger, where it has been possible to obtain food for them, then has it betrayed its responsibilities and rendered itself answerable to God and man for their death. Have we yet to learn that it is the few alone who respond to such appeals at all? Because of this, we arm the State with the power to *take* from the country whatever is required for its well-being? Is it in a period of famine above all others that it is to abnegate this power to take what it requires? Would the State dream of so appealing to public aid in the emergency of a great war? Would it not boldly take what the public exigencies require it to spend? And can any exigency be greater than that of famine, and the sight of the sick, the aged, the young, and the helpless perishing for want of bread?

The feature which marks all the famine literature of India, and gives it so painful an aspect, is the unworthy dread which every document shows of incurring expense, the fear of doing too much, of remitting too much revenue, of giving the people too much food, of spending too much money. To meet such calamities successfully, a spirit the very opposite of this is needed, the spirit we are so prompt to show in the emergency of a war. Let any one recall the early history of the Abyssinian War, and the way in which powers of unlimited expenditure were devolved upon subordinate officers in every department, and contrast it with the niggardly higgling spirit in which the State regards all expenditure in time of famine. No doubt such money is wastefully spent in war; but who questions the wisdom of our having sanctioned the expenditure? And if we would avert the horrors of famine when it overtakes us, we must meet the calamity in the same spirit. We are willing to condone everything but failure in such cases. The money is nothing in either case. We feel strongly that this is the lesson to be learned, and that until it is learned, the reproach of these terrible shortcomings will still cling to us. As the great landlord of the country, we take twenty millions sterling a year from the fields. Would it then be a great thing, to return those twenty millions for one year, if need be, that we might keep the people alive?

The action of Sir George Campbell shows that he is as fully impressed with these convictions as the public can be, but we doubt the department of Imperial finance. Long experience has shown us how impossible it is to get the purse-strings relaxed, when their relaxation threatens a deficit in the year's accounts. Our simple, full conviction is that unless the Supreme Government makes up its mind to face a *heavy* deficit this year, the famine of 1874 will after all add but one more instance to the painful record of responsibilities unfulfilled because of their money cost.—*Indian Economist*, November 29, 1873, p. 85.

HINTS ON THE CULTIVATION OF CAROLINA PADDY.*

Soil, &c.—Carolina paddy has a very strong aversion to stagnant water, therefore avoid all land on which, from imperfect drainage, water is likely to collect and stagnate. Remember that water may stagnate in the soil as well as on its surface. Select good healthy paddy-land resting on a moderately porous sub-soil and with a surface sufficiently high that it will not become a swamp during the rains while it is yet sufficiently low to admit of being watered at a moderate cost. In the endeavour to avoid a soil that is too retentive take care that you do not select one that parts too readily with

* Prepared for the use of cultivators who are going to compete for the prizes offered by the Government of Madras for the best crops of Carolina paddy.

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its moisture, as a soil with this defect is as objectionable as one that is too retentive. Endeavour to select a soil that is neither too retentive nor too porous; in every taluk there are hundreds of acres of wet land that fulfil these conditions. These observations refer chiefly to the physical or mechanical condition of the soil. It is of much greater importance to secure a soil in a good physical state than one in a high manural condition, as by the application of a suitable quality and quantity of manure the last-mentioned condition can so readily be secured.

Preparation of the soil.—The soil may be ploughed and worked in the dry state for sowing, or, it may be ploughed under water and puddled. We much prefer the former arrangement; the latter is sometimes attended with advantage but the evils which result from the wretched state in which the soil is left by the process are frequently of a very serious kind. But whatever plan you adopt take care to give the soil a liberal application of good manure during the time it is being prepared for the reception of seed.

Seed and sowing.—Choose a fresh sample of seed; it should be of a rich golden colour; the sample should be uniform both as regards colour and the size of the grain; if the seed is mixed with the seed of country paddy (which is the case almost invariably with all country-grown samples) and you cannot get a pure sample, you may, by using a fan and a bamboo sieve, remove greater portion of the indigenous grain. Before you finally select the seed you should test its vitality. You may do so in the following way. Take a shallow vessel—a soup-plate will answer admirably; place about one inch deep of good garden soil in the plate, and scatter over the soil 100 paddy seeds; cover this with a piece of muslin, and over the muslin place about half an inch of soil. Keep the soil damp. After a few days the muslin with the upper soil may be lifted off and the condition of the seed ascertained. The number of seeds that have germinated will give the percentage of vital seeds. But you had better make duplicate experiments and take the average of the results obtained as the percentage of vital grain; ascertained in this way the results of the test are more trustworthy.

Having selected suitable seed, and prepared your land for its reception, you may proceed with the sowing. You may sow the seed at once on the land, or you may sow it in seed beds and afterwards transplant the seedlings into the field. If you adopt the former of these arrangements you may sow the seed—say, at the rate of fifteen measures per acre—on either dry or puddled soil; if on dry soil, you may take the seed in its natural state and broad-cast, or drill it; if you prefer to sow on a puddled surface, you may sprout the seed before you sow it, but, when this is done you can only sow broad-cast. When transplanting is preferred take care that the nursery-bed is *deeply* dug and thoroughly manured, when this done the roots of the seedlings are small and compact, and the plants can be raised with ease and without suffering any injury in the operation. To produce seedlings for transplanting sow eight measures, or about 18 lbs. of seed, in the nursery-beds for each acre of land to be planted; less will probably suffice, but this quantity will provide against any loss of plant. The seedlings may be lifted for transplanting when three or four weeks old; they may be planted in the field in the puddled or wet soil at distances of from six to nine inches apart, a couple of seedlings being planted together. It may be good practice either to sow the seed at once in the field, or, to sow it first in the nursery and afterwards to plant out the seedlings in the field. Thus, when the area to be sown is large, the season late, labour scarce, and seed plentiful and cheap, we would adopt the former plan, and the latter when seed is scarce and dear, the area to be cropped small, the weather favourable, and labour plentiful.

Irrigating.—In whatever way the land is sown or planted it should be moderately watered on the same day; this fixes the roots of the seedlings and enables the seed to meet with a good bed. It is seldom necessary to flood the land, especially after the plants begin to shade the soil. The endeavour should be to keep the land constantly damp, and not, alternately in a state of puddled, and, dry and filled with large cracks, as is too commonly the case with wet land under ordinary paddy.

After-cultivations.—These are of a very simple nature; it is only necessary to keep the crop free of weeds and to thin out a few of the plants if the crop grows too luxuriantly.

(Sd.) W. R. ROBERTSON, M.R.A.C.,
Supt. of Government Farms.

5th September 1873.

N.B.—The foregoing are intended only to be suggestive. Each cultivator should adopt whatever plan of cultivation he prefers.—*Agricultural Gazette of India*, 29th November 1873, p. 92.

THE FAMINE IN BENGAL.

It is to be hoped that those entrusted with the duty of providing against the danger which now threatens the agriculture of Bengal, will adopt such measures as will tend to rouse the people to the necessity of exerting themselves in the performance of the duties of their ordinary occupations, rather than induce them to abandon these for employments on relief works. We do not undervalue the care and forethought

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that provides such employments, but we think that the great object at which to aim, should be to aid the people to help themselves. To start relief work without the necessity being *very* great, is simply to pauperise the people, and render them too reliant on Government support; they are prone enough to do this, under any circumstances, and great care is requisite that this propensity is not allowed undue scope. The difference between the improved agriculture of civilized countries and the antiquated practice of less advanced countries, is, chiefly in the more resolute way in which difficulties are encountered and overcome in the former, than in the latter. A bad season occurs, and the uneducated native cultivator is helpless, he has no resource, and believes that it is idle to fight against what he deems to be fate. It is not so with the educated cultivator; the more difficulties he meets with, the greater does he feel the necessity for exertion, the more urgent the demand for adopting expedients and utilizing every resource at his command. Now, we fully sympathize with our unfortunate co-workers in Bengal; but, at the same time, we cannot but believe that their case is not quite so bad as it might be, unless indeed the state of the country is very much worse than we have reason to suppose. If a single bad season is sufficient ground for such serious alarm, as is evinced in some quarters, we must welcome a famine of moderate intensity, as a means of rousing all to a true sense of our danger; better far, that we should for a time endure a little suffering than that the country should enter a chronic state of famine and bankruptcy. But we will pass on to offer a few general suggestions, in the hope that we may be able to indicate a direction, in which something of good may be found. First, then, there are in many parts of Bengal crops of growing paddy, which a very simple calculation will prove cannot, with the water available, be brought to maturity; wherever such are growing on healthy friable soils, let the crops be cut down without further delay, the fodder may be dried, and will make an excellent kind of hay; then let the ground be ploughed and ridged, and thoroughly manured, all these operations should be performed in a very efficient way, and only as much land should be stripped of paddy, as can be ploughed, ridged, and sown on the same day. An abundance of manure must be used; better manure half an acre well, than spread the quantity over a whole acre. It must not be forgotten that we are speaking of irrigated land of a friable kind, not of land that poaches and becomes like plaster when the plough is passed through. Having ploughed, ridged, and manured the soil, it may then be sown; the better qualities may be sown with maze, and the other descriptions with bajree, jowaree, &c. The irrigation water may be allowed to flow between the ridges. Select indigenous maize it will grow and mature its grain in three months, a much less time than imported maize, while it thrives under very moderate cultivation; such a crop will with fair cultivation yield from 1,000 to 1,500 pounds of human food per acre, and a weight of excellent fodder, nearly twice as great; but the returns obtained will altogether depend on the way in which the crop is cultivated. The jowaree and bajree may be sown on the drills in the same way, and will, if properly cultivated, yield about half as much human food, and, about the same quantity of fodder per acre, as will the maize; while, if the seed is obtained from a colder district than that in which it is to be grown, the crop will mature almost as speedily. The attention of cultivators should be especially directed to the importance of utilizing in this way the little water they may have, rather than in attempting to produce a regular wet crop, which, they know, with the water available, cannot be brought to maturity. In a time of scarcity, it is simple folly to expend 8,000 cubic yards of water, in the attempt to raise a crop that even, if fairly successful, will yield only 700 or 800 lbs. of rice, when it is possible in the hottest weather, with less than one-fourth as much water, to raise a crop of maize yielding twice as much food. The attention of cultivators should also be directed to the fact that deep-ploughing, which may be effected by passing a second plough along the line made by the first plough, will on healthy soils enable a crop to withstand a severe drought; also to the fact that, on soils to be cultivated without the aid of water in a dry season, it is well to avoid the use of dry farm-yard manure; and in selecting a fertilizer, to give preference to saline surface dressings, such as saltpetre, ordinary salt, &c., which are both very hygroscopic, and absorb moisture readily from the atmosphere. They should be advised to select good seed from a district somewhat colder than their own, in order that the crop may reach maturity in less time; also that in cropping the land it is well to give the preference to those crops that mature in a short period of time;—some varieties of paddy are fully six months on the land, while some almost as good will mature in three months, and, therefore, require only half as much water—also to select those crops that need little moisture for their growth, such, for instance, as bajree, which, if the soil is sufficiently damp to start the seed, fair results may be obtained with an exceedingly small rain-fall, and the same is the case with many crops of the pulse tribe. Again, native cultivators should be reminded that at present they sow at least twice as much seed as would suffice to produce a crop, and that by sowing less seed to the acre, they will not only have a better chance of getting a good crop, but they

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will set free an enormous quantity of grain for use as human food—we have known native cultivators sow as much as four bushels of paddy per acre, when one bushel would have been an ample seeding. Attention should be directed to the fact, that by growing the paddy plants in seed beds, half as much seed will suffice to produce a crop, as if the seed was sown broad-cast over the land, while by growing the seedlings during three or four weeks in seed beds, it will be necessary during the period only to water a few square yards of land for each acre that would have needed to be watered, had the seed been sown at once broad-cast, thus saving nearly a month's water. Their attention should also be particularly directed to the great importance of harvesting their crops, just when ripe, instead of ten or fifteen days afterwards, not only in the saving of grain which would otherwise have been lost, but in the saving of the moisture in the soil of which a considerable amount would be dissipated in the time that the crop remains longer than necessary on the land, moisture, which might have sufficed for starting a succeeding crop. They should also be strongly advised to reduce the number of the live stock they maintain. The farm stock of the country would be greatly benefited, if owners could be induced to sell to the butcher a very considerable proportion, indeed, all that are old, misshapen, or otherwise unsuited for breeding purposes. An immense number of the males of cattle or sheep might be dispensed with, with advantage to those that are left, it is not unusual to find the animals in a village flock, or herd nearly in equal proportions as regards males and females, this is not as it ought to be, one bull for every dozen cows, and one ram for every score of ewes is more than enough. All aged male animals in excess of this proportion might with advantage be disposed of to the butcher. This would produce a large quantity of human food, for it must be remembered that Mahomedans as well as the Hindoos are sufferers by the present scarcity in Bengal, while even Hindoos themselves are large consumers of mutton. By reducing the stock in this way a large quantity of fodder would be set free for the use of the more valuable animals to be retained. We have at present only another suggestion to make, and that is, that the attention of oil manufacturers should be invited to the importance of separating in their manufacturing process the nutritious oil-seeds from those that are unfitted for use as the food of live stock; from the common practice of crushing both together, the residuum oil-cake is unfitted for the use of stock, and thus large quantities of what, under other circumstances, might prove useful and valuable food, is wasted.—*Idem*, p. 88.

ACTS OF THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th February 1874.

Act No. III of 1874.

An Act to explain and amend the law relating to certain Married Women, and for other purposes.

Preamble.

Whereas it is expedient to make such provision as hereinafter appears for the enjoyment of wages and earnings by women married before the first day of January 1866, and for insurances on lives by persons married before or after that day:

And whereas by the Indian Succession Act, 1865, Section 4, it is enacted that no person shall by marriage acquire any interest in the property of the person whom he or she marries, nor become incapable of doing any act in respect of his or her own property, which he or she could have done, if unmarried:

And whereas by force of the said Act all women to whose marriages it applies are absolute owners of all property vested in, or acquired by, them, and their husbands do not by their marriage acquire any interest in such property, but the said Act does not protect such husbands from liabilities on account of the debts of their wives contracted before marriage, and does not expressly provide for the enforcement of claims by or against such wives;

It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Married Women's Property Act, 1874:"

Extent and application.

2. It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

But nothing herein contained applies to any married woman who at the time of her marriage professed the Hindoo, Mahomedan, Buddhist, Sikh, or Jaina religion, or whose husband, at the time of such marriage, professed any of those religions.

And the Governor-General in Council may from time to time, by order, either retrospectively from the passing of this Act or prospectively, exempt from the operation of all or any of the provisions of this Act the members of any race, sect or tribe, or part of a race, sect

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or tribe, to whom he may consider it impossible or inexpedient to apply such provisions.

The Governor-General in Council may also revoke any such order, but not so that the revocation shall have any retrospective effect.

All orders and revocations under this section shall be published in the *Gazette of India.*

The 4th Section of the said Indian Succession Act shall not apply, and shall be deemed never to have applied, to any marriage one or both of the parties to which professed at the time of the marriage, the Hindoo, Mahomedan, Buddhist, Sikh, or Jaina religion.

Commencement.

3. This Act shall come into force on the passing thereof.

II.—Married Women's Wages and Earnings.

Married women's earnings to be their separate property.

4. The wages and earnings of any married woman acquired or gained by her after the passing of this Act, in any employment, occupation or trade carried on by her and not by her husband,

and also any money or other property so acquired by her through the exercise of any literary, artistic, or scientific skill,

and all savings from and investments of such wages, earnings and property,

shall be deemed to be her separate property, and her receipts alone shall be good discharges for such wages, earnings and property.

III.—Insurances by Wives and Husbands.

Married woman may effect policy of insurance.

5. Any married woman may effect a policy of insurance on her own behalf and independently of her husband; and the same and all benefit thereof, if expressed on the face of it to be so effected, shall enure as her separate property, and the contract evidenced by such policy shall be as valid as if made with an unmarried woman.

Insurance by husband for benefit of wife.

6. A policy of insurance effected by any married man on his own life, and expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them, shall enure and be deemed to be a trust for the benefit of his wife, or of his wife and children, or any of them, according to the interest so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband, or to his creditors, or form part of his estate.

When the sum secured by the policy becomes payable, it shall, unless special trustees are duly appointed to receive and hold the same, be paid to the Official Trustee of the Presidency in which the office at which the insurance was effected is situate, and shall be received and held by him upon the trusts expressed in the policy, or such of them as are then existing.

And in reference to such sum he shall stand in the same position in all respects as if he had been duly appointed trustee thereof by a High Court, under Act No. XVII of 1864 *(to constitute an office of Official Trustee)*, Section 10.

Nothing herein contained shall operate to destroy or impede the right of any creditor to be paid out of the proceeds of any policy of assurance which may have been effected with intent to defraud creditors.

IV.—Legal proceedings by and against Married Women.

Married women may take legal proceedings.

7. A married woman may maintain a suit in her own name for the recovery of property of any description which, by force of the said Indian Succession Act, 1865, or of this Act, is her separate property; and she shall have, in her own name, the same remedies, both civil and criminal, against all persons, for the protection and security of such property, as if she were unmarried, and she shall be liable to such suits, processes, and orders in respect of such property as she would be liable to if she were unmarried.

Wife's liability for postnubtial debts.

8. If a married woman (whether married before or after the 1st day of January 1866) possesses separate property, and if any person enters into a contract with her with reference to such property, or on the faith that her obligation arising out of such contract will be satisfied out of her separate property, such person shall be entitled to sue her, and, to the extent of her separate property, to recover against her whatever he might have recovered in such suit had she been unmarried at the date of the contract and continued unmarried at the execution of the decree:

Provided that nothing herein contained shall affect the liability of a husband for debts contracted by his wife's agency, express or implied, or render a married woman liable to arrest or to imprisonment in execution of a decree.

V.—Husband's liability for Wife's debts.

Husband not liable for wife's antenuptial debts.

9. A husband married after the 31st day of December 1865 shall not by reason only of such marriage be liable to the debts of his wife contracted before marriage, but the wife shall be liable to be sued for, and shall, to the extent of her separate property, be liable to satisfy such debts as if she had continued unmarried:

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Proviso.

Provided that nothing contained in this section shall affect any suit instituted before the passing of this Act, nor invalidate any contract into which a husband may, before the passing of this Act, have entered in consideration of his wife's antenuptial debts.

(Signed) WHITLEY STOKES,
Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th February 1874.

ACT NO. IV OF 1874.

An Act to control recruiting in British India for the service of Foreign States.

Preamble.

Whereas it is expedient that the Governor-General in Council should exercise full control over recruiting in British India for the service of Foriegn States; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Foreign Recruiting Act, 1874:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Interpretation clause.

2. In this Act—

"Foreign State."

"Foreign State" includes any person or persons exercising or assuming to exercise the powers of government in or over any country, colony, province, or people beyond the limits of British India.

Power to prohibit or permit recruiting.

3. If any person is, within the limits of British India, obtaining or attempting to obtain recruits for the service of any Foreign State in any capacity, the Governor-General in Council may, by order in writing signed by a Secretary to the Government of India, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor-General in Council thinks fit to impose.

Power to impose conditions.

4. The Governor-General in Council may from time to time, by general order notified in the *Gazette of India*, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which he thinks fit.

Power to rescind or vary orders

5. The Governor-General in Council may rescind or vary any order made under this Act in such manner as he thinks fit.

Offences.

6. Whoever, in violation of the prohibition of the Governor-General in Council, or of any condition subject to which permission to recruit may have been accorded,

(*a.*) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or

(*b.*) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever, shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

Place of trial.

7. Any offence against this Act may be inquired into and tried, as well in any district in which the person accused may be found, as in any district in which it might be inquired into and tried under the provisions of the Code of Criminal Procedure.

(Signed) WHITLEY STOKES,
Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1874.

ACT NO. VI OF 1874.

THE PRIVY COUNCIL APPEALS ACT, 1874.

An Act to consolidate and amend the law relating to appeals to the Privy Council from decrees of the Civil Courts.

Preamble.

Whereas it is expedient to consolidate and amend the law regulating the admission of appeals to Her Majesty in Coun-

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cil from certain judgments, decrees and orders of the Civil Courts; It is hereby enacted as follows:—

I.—Preliminary.

Short title. 1. This Act may be called "The Privy Council Appeals Act, 1874:"

Extent. It extends to the whole of British India; but it does not apply to any matter of criminal, or admiralty, or vice-admiralty jurisdiction; nor to appeals from orders and decrees of Prize-Courts;

Commencement. And it shall come into force on the passing thereof.

Repeal of enactments. 2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

'Decree' defined. 3. In this Act, unless there be something repugnant in the subject or context, the expression "decree" includes also judgment and order.

II.—Admission of Appeals.

When appeals lie to Queen in in Council. 4. Subject to such rules as may, from time to time, be made by Her Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained—

an appeal shall lie to Her Majesty in Council,

(*a*.) from any final decree passed on appeal by a High Court or other Court of final appellate jurisdiction,

(*b*.) from any final decree passed by a High Court in the exercise of original civil jurisdiction, and

(*c*.) from any decree, when the case, as hereinafter provided, is certified to be a fit one for appeal to Her Majesty in Council.

Value of subject-matter. 5. In each of the cases mentioned in clauses (*a*) and (*b*) of Section 4,

the amount or value of the subject-matter of the suit in the Court of first instance must be 10,000 Rupees or upwards, and the amount or value of the matter in dispute on appeal to Her Majesty in Council must be the same sum or upwards,

or the decree must involve, directly or indirectly, some claim or question to, or respecting, property of like amount or value,

and where the decree appealed from affirms the decision of the Court immediately below the Court passing such decree, the appeal must involve some substantial question of law.

Bar of certain appeals. 6. Notwithstanding anything contained in Section 4,—

no appeal shall lie to Her Majesty in Council from the judgment of one Judge of a High Court established under the 24th and 25th of Victoria, Chapter 104, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the High Court at the time being;

and no appeal shall lie to Her Majesty in Council from any decree which, under Act No. XXIII of 1861, Section 27, is final.

Application to Court whose decree is complained of. 7. Whoever desires to appeal under this Act to Her Majesty in Council must apply by petition to the Court whose decree is complained of.

Time within which application must be made. 8. Such application must ordinarily be made within six months from the date of such decree.

But if that period expires when the Court is closed, the application may be made on the day that the Court re-opens.

Certificate as to value or fitness. 9. Every petition under Section 7 must state the grounds of appeal, and pray for a certificate, either that as regards amount or value and nature, the case fulfils the requirements of Section 5, or that it is otherwise a fit one for appeal to Her Majesty in Council.

Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

Refusal of certificate. 10. If such certificate be refused, the petition shall be dismissed:

Provided that, if the decree complained of be a final decree passed by a Court other than a High Court, the order refusing the certificate shall be appealable within thirty days from the date of the order, to the High Court to which the former Court is subordinate.

Security and deposit required on grant of certificate. 11. If the certificate be granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the grant of the certificate, whichever is the later date,

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(a.) give security for the costs of the respondent, and

(b.) deposit the amount required to defray the expense of translating, transcribing, indexing, and transmitting to Her Majesty in Council a correct copy of the whole record of the suit, except

(1.) formal documents directed to be excluded by any order of Her Majesty in Council in force for the time being;

(2.) papers which the parties agree to exclude;

(3.) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included; and

(4.) such other documents as the High Court may direct to be excluded;

and when the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in the first clause of this section, deposit the amount required to defray the expense of printing such copy.

Admission of appeal and procedure thereon.

12. When such security has been completed and deposit made to the satisfaction of the Court, the Court may

(a.) declare the appeal admitted, and

(b.) give notice thereof to the respondent, and shall then

(c.) transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record, except as aforesaid, and

(d.) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

Revocation of acceptance of security.

13. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

Power to order further security or payment.

14. If at any time after the admission of the appeal, but before the transmission of the copy of the record, except as aforesaid, to Her Majesty in Council, such security appears inadequate,

or further payment is required for the purpose of translating, transcribing, printing, indexing, or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

Failure to comply with order.

15. If the appellant fail to comply with such order, the proceedings shall be stayed,

and the appeal shall not proceed without an order in this behalf of Her Majesty in Council,

and in the meantime execution of the decree appealed against shall not be stayed.

Refund of balance of deposit.

16. When the copy of the record, except as aforesaid, has been transmitted to Her Majesty in Council, the appellant may obtain a refund of the balance, if any, of the amount which he has deposited under Section 11.

III.—Proceedings pending Appeals.

Powers of Court pending appeal.

17. Notwithstanding the admission of any appeal under this Act, the decree appealed against shall be conditionally enforced unless the Court admitting the appeal otherwise directs.

But the Court may, if it think fit, on any special cause shown by any party interested in the suit, or otherwise appearing to the Court—

(a.) impound any moveable property in dispute, or any part thereof, or

(b.) allow the decree appealed against to be enforced, taking such security from the respondent as the Court thinks fit for the due performance of any order which Her Majesty in Council may make on the appeal, or

(c.) stay the execution of the decree appealed against, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed against, or of any order which Her Majesty in Council may make on the appeal, or

(d.) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

Increase of security found inadequate.

18. If at any time during the pendency of the appeal the security so furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

In default of such further security being furnished as required by the Court, if the original security was furnished by the appellant, the Court may, on the application of

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the respondent, issue execution of the decree appealed against as if the appellant had furnished no such security.

And if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay all further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

IV.—Execution of Orders of Her Majesty in Council.

Procedure to enforce orders of Queen in Council.

19. Whoever desires to enforce or to obtain execution of any order of Her Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court from which the appeal to Her Majesty was preferred.

Such Court shall transmit the order of Her Majesty to the Court which made the first decree appealed from, or to such other Court as Her Majesty by her said order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the Court to which the said order is so transmitted shall enforce or execute it accordingly, in the manner and according to the rules applicable to the execution of its original decrees.

Appeal against order relating to execution.

20. The orders made by the Court which enforces or executes the order of Her Majesty in Council relating to such enforcement or execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the enforcement or execution of its own decrees.

Amendment of Act IX of 1871, Schedule II, No. 169.

21. To the first column of No. 169 of the second schedule annexed to the Indian Limitation Act, 1871, the following words shall be added (that is to say), "or any order of Her Majesty in Council."

V.—Miscellaneous.

Power to make rules.

22. The High Court may, from time to time, make general rules consistent with this Act to regulate—

(*a.*) the service of notices under Section 9.

(*b.*) the grant or refusal of certificates, under Sections 10 and 11, by Courts of final appellate jurisdiction subordinate to the High Court,

(*c.*) the amount and nature of the security required under Sections 11, 14, and 18,

(*d.*) the testing of such security,

(*e.*) the estimate of the cost of transcribing the record,

(*f.*) the preparation, examination, and certifying of such transcript,

(*g.*) the revision and authentication of translations,

(*h.*) the preparation of indices to transcripts of records, and of lists of the papers not included therein,

and all other matters connected with the enforcement of this Act.

Publication of rules.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law in the High Court and the Courts of final appellate jurisdiction subordinate thereto.

Rules heretofore made.

All rules heretofore made and published by any High Court relating to appeals to Her Majesty in Council and in force immediately before the passing of this Act, shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Recorder of Rangoon.

23. In Sections 4 and 22, the expression 'High Court' shall be deemed to include also the Recorder of Rangoon, but not so as to empower him to make rules binding on Courts other than his own Court.

Construction of Bengal Regulation III of 1828, Section 4, Clause V.

24. The rules and restrictions referred to in Bengal Regulation III of 1828, Section 4, Clause V, shall be deemed to be the rules and restrictions applicable to appeals under this Act from the decisions of the High Court of Judicature at Fort William in Bengal.

Saving of Her Majesty's pleasure,

25. Nothing herein contained shall be understood—

(*a.*) to bar the full and unqualified exercise of Her Majesty's pleasure in receiving or rejecting appeals to Her Majesty in Council, or otherwise howsoever, or

and of the rules for the conduct of business before the Judicial Committee.

(*b.*) to interfere with any rules made by the Judicial Committee of the Privy Council and for the time being in force for the presentation of appeals to Her Majesty in Council, or their conduct before the said Judicial Committee.

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SCHEDULE.

(See Section 2.)

ENACTMENTS REPEALED.

No. and year of enactment.	Title or abbreviated Title.	Extent of repeal.
	A.—REGULATIONS.	
Bengal Regulation XVI of 1797.	A Regulation respecting appeals from the Court of Sudr Dewanny Udalut to His Most Excellent Majesty and His Most Honourable Privy Council.	The whole.
Bengal Regulation V of 1803.	A Regulation for empowering the Sudr Dewanny Udalut to try appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier, &c.	So much as has not been repealed.
Madras Regulation VIII of 1818.	A Regulation prescribing the Rules under which appeals may be preferred to the King's Most Excellent Majesty in his Privy Council, from the decisions of the Court of Sudr Udalut at Fort St. George.	Do.
Bombay Regulation IV of 1827.	A Regulation prescribing the Forms of Proceeding of the Courts of Law in civil suits and appeals, and rules for the trial of the same.	Section 100.
	B.—ACTS.	
Act II of 1844	An Act respecting the expenses of preparing copies of proceedings in appeals.	The whole.
Act XXV of 1852 ...	An Act for the execution of decrees made in appeal by Her Majesty in Council, &c.	So much as has not been repealed.
Act II of 1863	An Act to regulate the admission of appeals to Her Majesty in Council from certain judgments and orders in Provinces not subject to the General Regulations.	The whole.
	C.—STATUTES.	
13 George III, Cap. 63 ...	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 18.
37 George III, Cap. 142 ...	An Act for the better administration of justice at Calcutta, Madras, and Bombay, &c.	Section 16.

(Signed) WHITLEY STOKES,
Secy. to the Government of India.

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(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

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